AN INTRODUCTION INTO CITIZEN CULTURE :
SEARCHING FOR CITIZENS IN THE TWENTY-FIRST CENTURY

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by

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Dedicated with love and gratitude to my parents.

ABSTRACT

“Can one speak of citizens in the twenty-first century? If so, where are they and what are they doing?” As a way of answering these questions, this paper traces the story of citizens in the history of Western Civilisation. I hope to identify the main features of citizenship by drawing from this “story of the citizen”, while focusing on those common activities and principles that distinguish citizens from non-citizens. This aggregate analysis of cultural phenomena is summarised in terms of active community participation and the principles of freedom and equality. These basic components of citizen culture are well established in contemporary liberal democracies, yet they remain vulnerable in the face of excessive bureaucratisation and corporate conglomeration, both of which arise as consequences to liberal democratic practices. As such, the free software community and its realisation of copyleft and the GNU General Public License will serve as an exemplary case in which citizen culture, especially with respect to political activity and leadership, succeeds in overcoming the tendency towards bureaucracy and conglomeration, particularly in terms of free discussion and communication. Citizens in the twenty-first century are, therefore, identified and described within the framework of this introduction into citizen culture, which necessarily adapts to timely (ancient, modern, or contemporary) and spatial (real or virtual) conditions.

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PREFACE

As a (Canadian) citizen and a student of politics, I am compelled to inquire about my role as a citizen. Most of citizenship seems clear : enjoy voting rights, pay taxes, and abide by the rule and spirit of law. My citizenship also entitles me to a passport and legal protection wherever I go. Moreover, taking part in this agreeable and seemingly simple exchange of duties for certain legal protection is open to potentially everyone over eighteen years of age. On the face of it, my inquiry has been addressed. Politically speaking, my being a citizen entails direct relations with state and sub-national governments, which manage our relations with impressive efficiency. Independent of governments, therefore, do I suppose that I am no longer a citizen, but instead a free individual among others in society? At the surface level, this is perhaps so; citizenship embodies a mutual dependence on governments, wherein citizens elect and (financially) support governments which, in turn, actively deliberate and serve in enforcing the laws that govern social activity. Governments are political because they are understood as the locus of political affairs. Citizens are political because they are directly associated with governments.

This, however, does not adequately satisfy my inquiry, for the realm of politics is indeed much more diverse than government affairs. Furthermore, citizen-government relations, understood as the bases for citizenship, are routinely challenged by way of a certain ambivalence towards government and politics, and citizen apathy. If these trends continue, wherein government affairs are regarded with suspicion and mistrust by an

increasingly passive citizenry whose civic duties and privileges are conceived in terms of intermittent and formally institutionalised activities, then citizenship would seem to diminish in importance, both politically and personally. But, politics and the roles of citizens are, to be sure, much more robust and varied than government initiatives might suggest.

Having listened to and discussed with others their notions of citizenship, I am struck by how extensive and broad their ideals are. According to my interlocutors, who, to be certain, are not all students of politics, but span a broad range of professions, interests and levels of education, the characteristics associated with citizenship reach far beyond paying taxes, voting and generally observing law. Instead, citizens' duties and activities include recycling, representing the country in a positive light while abroad, respecting professional designations, demanding accountability and integrity in all public affairs, including those of governments, and engaging in the interpretation and defense of the constitution. As such, despite conventional norms of citizenship which place governments at the centre of political activity and the sphere of public goods, average people have developed an understanding of citizenship that is independent of formal government structures and systems.

It becomes clear, then, that citizenship is not solely a byproduct of national governments, or alternatively, that the political significance of citizens is not restricted to government affairs. My purpose in this work is to test and evaluate this position, as it has already been made numerous times, at the very least by those with whom I have discussed the subject.

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INTRODUCTION

Empirical reality becomes 'culture' to us because and insofar as we relate it to value ideas. [...] We cannot discover, however, what is meaningful to us by means of a 'presuppositionless' investigation of empirical data (Max Weber 1949: 27-28).

In finding citizens in this twenty-first century, we must first ask ourselves a general question : Can we speak of citizens among our contemporaries, and if so, where are they and what are they doing? I am assuming beforehand that, in fact, we can find citizens among us. This may seem obvious, for citizens can easily be found in every part of the world that is inhabited by humans and within the borders of a state. Today, citizenship is symbolised in formal documentation such as passports, or certificates of birth or immigration. These records and other government institutions for citizens, regardless of how well they manage and administer formal citizenship, offer nothing in the way of revealing what citizens may be doing, aside from holding a legal government document. As such, every country with citizens has formalised to some degree certain activities, rights and responsibilities exclusively pertaining to citizens. These have included voting, paying taxes, and observing the law. Determining the whereabouts and activities of citizens is, indeed, obvious when we consider only this formal dimension of citizenship. The institutionalised government-citizen relation is meaningful to the extent that governments can sufficiently and efficiently provide and protect citizens' public goods, including formal rights and liberties. Authentic political action on the part of each citizen faces the regulations and management of government institutions. Our contemporary and

formal understanding of citizenship, therefore, is meaningful largely in relation to the government, primarily that of the nation-state. This, to be sure, is a phenomenon that has been explored in numerous capacities by various scholars and critics; it is a central pillar of citizenship theory and study. Citizens, in theory, are quite often perceived in terms of their associations with the nation-state and its government (see, for broad example, Klingemann & Fuchs 1995; Wade 1974 and Root 1907).

More recently, theories of citizenship have aimed at an interpretation of a post-national, or transnational, and multicultural citizenship, no doubt given the realities and possibilities of increasing integration of various societies at the global and local levels. This scholarship has included attempts to claim a space for citizens and citizenship apart from national governments. On the one hand, this has proceeded within a sociological framework, which, in de-politicising citizenship, assumes a declining sovereign nation-state, but also eliminates the political significance of the citizen (de Vries 2002: 11; see, for example, Delgado-Moreira 2000 and Edwards & Foley 1997). On the other hand, accounts of a particularly political and contemporary post-national citizenship largely serve in abstracting the notion of citizenship to seal the imminent vacuum that is created by the declining authority of nation-states. This has, indeed, involved arguing the merits of various structures and institutions that can adequately replace those of nation-states. Given this method of constructing a concept of citizenship, the real world of citizens emerges primarily from an account of presupposed political organisations and relations (see Russell 2005; Tambini 2001; Hindess 2002 and Heater 1996). That is, the potential of citizens and the possibilities for citizenship in the twenty-first century are based on a

theoretical retrospective of the political, which in modern discourse is drawn from the material strength and apparatus of nation-states and their governments. The framework for citizenship, in other words, is qualified by, and secondary to, supposed concepts of the political, and the power relations therein. As such, models of post-national citizenship tend to re-iterate, but further abstract, citizens' relations with state and subnational governments.

In order to find citizens in our twenty-first century, keeping in mind the vigorous debate concerning the declining status of nation-states, we must develop an understanding of citizenship that does not necessarily rely on national state governments. To understand citizenship, either in parts or as a whole, by way of tracing and interpreting the discourses it has inspired is, indeed, a daunting and deserving task. For the purposes of this paper, however, the scholarship and discussions pertaining to the concrete world of citizens throughout history provides a sufficient beginning for building a model of citizenship, or, as discussed further ahead, citizen culture. Rather than first positing a particular concept of the political from which citizenship emerges, this paper will explore the activities and locales of citizens from ancient history to our contemporary age, which is characterised by the predominance of liberal democratic states and societies.

The first two chapters of this work attempt to highlight that citizen culture which has come to be known as such. This section will tell a story of the citizen throughout ancient and modern history. In determining how this story plays out, it is important that we approach it from the citizen's point of view. The citizen to which I am referring is that

historical character that called him/herself "citizen". To be sure, we shall have no luck in finding any evidence that the English noun "citizen" was ever uttered throughout ancient history. Ancient peoples simply did not speak and write the English we use today. But because we have among us researchers in the historical arts and sciences, who have contributed to an immense and impressive body of knowledge that underlies the transliteration and translation of certain ancient text to "citizen", we have come to know the citizen in a common form. Citizen is the word given to mean a person who is identified, in historical texts, by his/her town or community group. We find this standard used most strikingly in the cases of ancient Babylon, Athens and Rome. From Babylonia/Mesopotamia we find *puhrum/alum* (Jacobsen 1943); from Athens, *politai/polis* (*Dictionary of Greek and Roman Antiquities* Smith 1875: 289; Whitehead 1977 and Ober 2000); and from Rome, *civitas* (*Dictionary of Greek and Roman Antiquities* 1875: 289 and Sherwin-White 1973). In all these cases, historical documents and records reveal the existence of some group of people who are distinctly identified by their relation to the town or wider community, and these people have been translated into "citizens".

With respect to the historical construct of the citizen in the ancient world, we must appreciate that research and knowledge concerning the many and diverse societies of our history continue to grow, propelled by the power of technology and interpretation. As such, there is potential to find a great many citizens - those groups who are identified by their ties to the neighbourhood or village - in the ancient world. Of particular importance to the first chapter, however, is to find and describe citizens as they were within their

communities. Our story of the citizen must include a locale as well as distinguishing activities or qualities. As such, our sojourn into the ancient world to tell this story is restricted by what has been revealed and confirmed regarding the lives of citizens. While there may have been a number of ancient societies in which citizens dwelt, there is only so much that we have come to know about them. The general activities and distinctions of all citizens in ancient history have yet to be fully explored and investigated; however, there are few places where the citizen can be found, and identified not merely by his/her status as a person-of-the-town but rather by his/her particular activities, privileges and responsibilities as a citizen. In telling a story of the citizen, therefore, we will rely on what has come to be known about citizens in ancient Mesopotamia (particularly Babylonia), Greece (particularly Athens), and the Roman republic. These three locales have been chosen because citizens have been found there, and their activities have been documented, evaluated, and to a certain extent, understood by means of the rigorous research that constitutes the historical arts and sciences. Moreover, further research has provided greater knowledge concerning the comparable activities and duties required of non-citizens, particularly with respect to Athens and Rome. This dimension allows our story to identify comparable rights and duties of the citizen as distinguished from those who were not considered citizens at all, but nevertheless played some role in the community/town. By this method, we may come to see the citizen as distinct in physical appearance as well as the extent to which he enjoys a certain stature in terms of privileges and activities.

With regard to the second chapter in the first section, in contrast to the relatively scant

knowledge drawn from the ancient world, one need not look very far to find evidence of citizens in modern history. In telling our story of the citizen, it will be particularly important for the scope of this chapter to find citizens within the context of the development of modern liberal democracies. The bridge that connects the citizen's path from ancient to modern history, in this case, can be drawn from the formal legal structure of intellectual property rights whose development began in early Italian republics that had survived the rise and decline of empire, internal and regional war, and economic depression. By choosing this path towards modernity, the setting for the citizen's duties and privileges can be understood as a political culture incorporated into a distinct political economy.

Our story in the second chapter, therefore, will tell of the activities and privileges of the citizen who enters the modern world with a legal structure that recognises both the public and economic potential of its citizens. As such, we will follow the citizen in modern history to those locales where the roots of liberal democracy run alongside the legal identification of citizens as political and economic actors. For this paper, C. B. Macpherson's succinct notion that democracy was an "addition [...] to the liberal state" will serve as the general framework for following the development of liberal democracies (1965: 11). To be sure, the liberal state (as we understand it) followed the creation of nation-states, some of which emerged with clear legislation that distinguished certain individuals as constituent members of the state's territorial community and economy. The Treaties of Westphalia and the English Civil Wars provide the necessary groundwork upon which we can continue our story's path towards the liberal democratic citizen. The

significance of these events lies not only in their importance in relation to the existence of nation-states generally, but, in particular, these events allow us to observe the maturation of citizen culture.

We shall continue placing our protagonist, the citizen, alongside the non-citizen, while considering the differences and similarities of legal rights and duties from the mid-seventeenth century throughout the rise and proliferation of liberal trends. This includes, on the one hand, an economic component, namely the increasing importance of property and the growth of an international capitalist system, and on the other hand, a political element that tends towards democracy. The citizen will be shown, *vis-à-vis* non-citizens, enjoying legal protection of property and increasing autonomy over the definition and use of property, which ultimately stimulates the state's economy. As well, the citizen will be found acting in a political capacity in terms of reconstituting the very community in which (s)he is a citizen. This dual trajectory of the citizen in modern history will continue under the settings of the American and French revolutions in the late eighteenth century, and the waves of political, social and civil movements in the nineteenth and twentieth centuries. Using these contexts for our story will help in emphasising the degree to which citizens distinguish themselves from non-citizens in terms of economic rights, as well as the activities involved in introducing the "democratic franchise [...] into the liberal state" (Ibid.: 9).

By the end of the first section, our story of the citizen will be very nearly completed, having identified citizens from ancient Mesopotamia to liberal democracies in the

twentieth century. But, in order to continue, we will require a reflection on the themes and patterns, values and principles, that can be drawn from the first two chapters. Our story of the citizen provides the resources with which we can form an understanding of what citizens in the twenty-first century might be doing. Based on the activities and distinctions among citizen cultures throughout our story, the chapter composing the second section of this work attempts an aggregate analysis of those cultures in order to reveal and explain certain common attributes and principles. These, which will be shown to primarily include participation in public affairs and the principles of freedom and equality, will also be analysed with respect to the legitimacy of the community and state (whether nation or city). In closing this chapter, special attention will be focused on the ways in which liberal democracies have been especially accommodating of citizen culture insofar as freedom and equality serve as common guiding principles for both.

To be sure, the third and final section will provide a more critical analysis of liberal democracy and its pertinence to citizens (and their culture). Though citizenship is, indeed, embraced and instituted by liberal democratic governments, the overwhelming tendency towards excessive bureaucratisation and corporate conglomeration makes the citizen's status within the state rather precarious. Having identified and described these vulnerabilities of liberal democracies, we will have come closer to an adequate context in which to continue our story of the citizen into the twenty-first century. To provide a complete picture of the citizen in our contemporary world, we must appreciate the significance of changing (and expanding) conceptions of location and activity that have characterised the twenty-first century. The second half of this chapter focuses more

closely on the influence digital media has had on notions of public space, free discussion and self-governance. Cyberspace, internet and digital communications have allowed individuals to build and foster communities by previously unknown means. Despite that communications and media oligopolies have imposed their presence within these new digital realms, software programmers and computer users have taken it upon themselves to fulfill the activities and responsibilities of citizens. Members of the free software movement/community may identify with digital, rather than geographic, locales, but the form and substance of their activity is remarkably similar, if not identical, to that of citizens, as understood from our story. Thus, the activities and principles of the free software movement and the GNU General Public License are exemplary in terms of citizen culture because they mirror the creation and recognition of legal codes, which ultimately serve in upholding the freedom and equality of citizens. An analysis of this subset of citizens, moreover, is significant for the twenty-first century because its attention is largely focused on navigating through an uncharted and entirely new realm of political and economic relations, which is, ultimately, attainable through digital technologies.

Thus, citizens will be shown to have, undoubtedly, been found in our contemporary context. Citizens are, of course those who are explicitly and formally recognised in and by formal government institutions, but they are also those who embody citizen culture and actively contribute to the renewal and re-creation of the political community and its governing rules, particularly the GNU General Public License of the free software community. Moreover, the political activity and leadership of citizens can be understood

as suitable rivals to bureaucracy and conglomeration, without triggering any substantial conflict. In this way, citizen culture is alive and well in the twenty-first century, as it finds itself facing increasingly bureaucratic and corporate cultures. As such, this work concludes on an optimistic note - one that compels further understanding of citizen culture within alternative (e.g. digital) realms for political activity and public space outside the sphere of government institutions. Our story of the citizen that follows allows us to become familiar with citizen culture and observe or apply it to contemporary circumstances, including the increasing assumption of a post-national political landscape. Furthermore, it is ultimately with this cultural knowledge and its application that citizens might further develop a citizen culture that gives legitimacy to liberal democratic principles in the face of increasing bureaucratisation and conglomeration.

Before exploring the culture of citizens in the twenty-first century, however, it is imperative that we gain a more complete understanding of the elements and qualities that constitute that culture. We shall, therefore, turn to our story of the citizen which will provide insight into the activities, rights and privileges that citizens have been known to share. Thus, in the next chapter our story begins in the ancient world.

SECTION I : A Story of the Citizen

Chapter One : The Citizen in ancient history

In providing this history, and telling this story, citizens will be identified in terms of the characteristics and activities that distinguish them from others (i.e. non-citizens). If we are to understand that “in the ancient world the rights and duties of the citizen were always exclusive in nature, designed to distinguish the citizen as somehow superior to others” it will be imperative to identify what those rights and duties, or alternatively benefits and expectations, actually were (Dagger 2000: 26).

The Citizen in ancient Mesopotamia, Babylonia

Our story begins in ancient Babylonia (c. 1800s - 500s B.C.) where arms-bearing men residing in the town comprised its group of citizens (Jacobsen 1943: 162; Kramer 1981: 30 and Schemel 2000: 101). In this respect, citizens were certainly not women, and also not those without the means or intentions of bearing arms, including slaves and children (Jacobsen 1977: 148 and Schemel 2000: 105). Moreover, history has not provided any proof that all men were considered, or carried out the duties of, citizens (Jacobsen 1943: 163). Thus, the citizen was distinct not necessarily due to his sex, age or freedom from slavery, but by his capacity to physically defend the town community from (armed) aggressors. In addition to this distinction, Babylonian citizens, and only they, gathered and collectively decided on public rules that applied to the entire community, including

the determination of, and participation in, certain judicial and legal functions (Ibid.: 163-4).

To be sure, while the *puhrum* (assembly) comprised of *alum* (participating townsmen, citizens) held power in their local villages, among them were chosen civil servants and other public figures who "enjoyed privilege and esteem, rent, salaries, or offerings, protection from need and greed" for their expertise and competence in fulfilling public duties (Ibid.: 162, Schemeil 2000: 107-8). These were citizens whose career it was to manage public affairs; they were "politicians and bureaucrats" who were especially adept at defending and securing the recognition of the town's autonomy and independence in the face of regional (and sometimes combative) neighbours (Schemeil 2000: 112, 114). Nevertheless, the "regular" citizen, who had not chosen public administration as his career, remained distinct among many for having the (sacred) privilege of contributing to the decisions and activities in the assembly, which had the ultimate authority within the community, particularly regarding "all great undertakings, [and] all important decisions" (Ibid.: 114; Jacobsen 1943: 166 and Jacobsen 1977: 148).

Thus, the citizen of ancient Mesopotamia was not simply an arms-bearing free adult male, but rather, he was a constituent member of an assembly, which determined and enforced rules and laws that applied to the whole town. Citizens, moreover, had the opportunity to gain greater distinction by demonstrating their aptitude for specialised roles within the assembly's administrative and executive functions, including building relationships with communities of foreign locales. In this respect, it is implied that

citizenship was restricted to those who were permanent residents of the village, while regional neighbours from other towns were not considered citizens. Hence, we shall turn our focus to ancient Greece, where the distinction between citizen and non-citizen goes beyond the capacity to bear arms and participate in the local assembly, and instead explicitly requires a legitimate claim to non-foreign (native) heritage.

The Citizen in ancient Greece, Athens

The citizen is a free-born adult male of Athenian descent (Held 1996: 15). After having reached the age of 18 and been accepted on to the official public citizen-list (Ober 2000: 31, Mann 1879: 61), this young man finds himself among fellow citizens who collectively govern the polis, about which we shall explore in a moment. First, something must be said for the citizen's general outlook. In the first place, slaves, women and children were largely understood as objects under the existing law (Mann 1879: 64). In that respect, our young citizen is distinct and distinguished among women, children and slaves, for his status allows him a certain superior position under the law. And, though this may indeed be an important distinction, it is not the only one. Of those who were assigned certain benefits and expectations under the law, the citizen distinguished himself among *xenos*, *metoikos* (metics), *isoteles*, and *proxenos*.

The term *xenos* "has an extremely wide semantic range – with inherent ambiguities", and as such, it has generally come to mean all non-slave foreigners in Athens (Whitehead 1977: 11). Metics, in contrast, were particularly those foreigners who had taken up

temporary or permanent residence in Athens for a duration that extended beyond a specific number of days (Ibid.: 7). Drawing from that resident group of metics, *isoteles* and *proxenos* emerged as a kind of metic elite who were particularly favoured within the *polis*. The *proxenoi*, especially, were “the foreigners most honoured by the Athenians” (Ibid.: 14). Depending on group status, Athenian law was practised accordingly for *xenos*, metics, *isoteles*, and *proxenos*. From the citizen’s point of view, the *xenos*, particularly those who were simply traveling through or briefly visiting Athens, had only temporary relevance in terms of “rights and duties” (Ibid.: 96). Metics, including *isoteles* and *proxenos*, however, required much more substantial treatment under the law as they were similarly free (or freed) adult men living in Athens, whose population was considerable (Ibid.: 16, 89-96 and Mann 1879: 62). Distinguishing between the citizen and the metic, therefore, entails examining in greater detail the particular privileges and responsibilities that were afforded to each.

Although metics, and by extension *isoteles* and *proxenos*, were definitely non-citizens, they nevertheless enjoyed similar benefits and were required to fulfill similar duties as their citizen counterparts (Mann 1879: 63). Like Athenian citizens, metics were required to pay taxes (Whitehead 1977: 76, 77), serve in the military, though they were restricted from joining the ranks of cavalry (Ibid.: 82-84 and Ober 2000: 52), and faithfully observe the law of the *polis* (Whitehead 1977: 89). In addition, metics enjoyed many legal rights which they held in common with citizens, including security of property (Ober 2000: 50), and access to the public courts system and fair representation (Ibid.: 51 and Whitehead 1977: 92-94). The Athenian citizen is not particularly distinguishable from the metic in

terms of these responsibilities and privileges. Though, it must be said that metics were usually required to bring their legal cases to the polemarch, a lower magistrate, rather than the archon, the chief magistrate (Whitehead 1977: 11 and Mann 1879: 58-9). But, surely, this is not the major distinction between metics and citizens.

While metics and citizens alike were required to fulfill certain responsibilities and enjoyed certain “quasi-rights” (Ober 2000: 30) under the same code of laws, wherein their status as legitimate prosecutors and defendants was recognised, citizens were a primarily exclusive group because they formed the bodies and institutions that would create and enforce those laws. Citizens were essentially the governors behind the rules and laws that governed the *polis*. “All citizens met to debate, decide and enact the law” (Held 1996: 18). The citizen, therefore, is identified not solely by his “rights and duties”, which indeed distinguishes him from slaves, women and children, but by the particular privilege and expectation to be a creative force in governing the *polis*. Metics, particularly *isoteles* and *proxenos*, enjoyed varying equality with citizens largely in terms of property/estate, legal representation, religious freedom and military service (Ober 2000: 50-51); as such, it was specifically the metics’ restriction from determining the law (under which they enjoyed relative equality) that distinguishes the metic from the citizen.

The ancient Athenian citizen had the opportunity to participate in the Assembly, the Council, and the Committee, of which he could potentially become president (Held 1996: 21). By the age of around 20, the citizen was “invested with all the rights and privileges of ordinary citizenship, and might vote and speak in public assembly” (Mann 1879: 62).

Citizens, and only they, had access to these bodies where they were made responsible for creating and enacting the law, under which all inhabitants of the *polis* were treated. Their duties included considering "proposals affecting the public welfare", hearing "complaints against public officers" and making general provisions for the needs of the community (Ibid.: 82-3). Moreover, it was within these bodies that citizens could determine "precisely who and how many are to be citizens", thus enabling citizens to shape their role within the *polis* and restrict or accept non-citizens into the realm of citizenship (Mulgan 1990: 206). Participation in these legislative and executive bodies was altogether closed to non-citizens, namely metics, who were nevertheless recognised as free adult males under the law. In this respect, the citizen is understood as a man-of-the-polis, whereas the metic is simply a man-living-in-the-polis (Whitehead 1977: 74). The citizen is literally a constitutive member of the *polis* as a whole, insofar as he directly contributes to the making of laws that govern Athens. In contrast, the metic is a free man who lives according to the laws of the *polis*.

It must be noted that the history of both ancient Athenian citizen and metic is not without ambiguities, though based on much evidence it is known that this "quasi-citizenship (i.e. metic-status)" eventually came to an end, but not before the basic terms of citizenship in general were challenged (Whitehead 1977: 162-3). On the one hand, *isoteles* and *proxenos* were likely eligible at the very least for honorary citizenship, especially if they were held in esteem by members of the *polis* and were accepted and registered on the citizen-list by their neighbours (*deme*) (Ober 2000: 52 and Mann 1879: 63). In this respect, actual ethnicity in terms of Athenian descent is overlooked as basic criteria for

citizenship in light of the public acts of an otherwise free adult male (Whitehead 1977: 16 and 159). On the other hand, the very institution of citizenship faltered, perhaps under the pressure of initiatives for reformation (Ibid.: 152). In response to growing concern about the existence of citizen imposters, who bought their citizenship, falsely claimed themselves as citizens, or otherwise claimed citizenship without having fulfilled the basic criteria of being a free male adult of Athenian descent, the government of the day called periodically for the “cleansing of the *deme* lists” (e.g. in the 340s B.C.)” in order to remove non-Athenians from what was maintained as a “closed corporation” (Ober 2000: 52 and Whitehead 1977: 161-2). For those alleged imposters appealing their status as citizens, failure to convince the authorities of one’s citizenship would result in slavery, thus discouraging both metics and legitimate citizens from appealing their status (Whitehead 1977: 162). In essence, the distinctions between metic and citizen became increasingly blurry, perhaps because it rested on ethnicity instead of something more obvious such as sex or age. Athenian citizens could not so easily be identified from among all adult males, namely those who were similarly free. Indeed, “[the] Athenian *dêmos* protected slaves and metics from physical mistreatment first because they feared being mistaken for slaves or metics” (Ober 2000: 46). As a result, while the extension of citizenship to foreigners “was at all times a very common occurrence”, the ease with which the criteria for Athenian heritage could be transgressed in order to gain citizenship “increased eventually to such a degree as to become pernicious” (Mann 1879: 63).

Thus, our young citizen is identified as a citizen insofar as he is a free man who is at least 18 years old and participates in the creation of laws (via the Assemblies, Council and

Committee) that govern the *polis*. In the majority of cases, his parents were both full-blooded Athenians, although this criterion was, in extraordinary instances, either overruled for highly honoured *isoteles* and *proxenos*, or fraudulently claimed by foreign imposters. The metic could legitimately become a citizen by gaining prestige and recognition from existing citizens, or he could (illicitly) buy his way onto the citizen-list (Whitehead 1977: 162). In both cases, the citizen's distinction becomes no longer a matter of ethnicity or heritage, but by one's presence and participation in the assemblies and other public institutions. The status of citizen, with the distinct right to fully engage in public affairs, we have seen, is one that is not easily attained, but nonetheless sought after despite even the risk of enslavement.

It is not certain what explains the eventual "disappearance of the *metoikia*" – that is, the general abandonment of "metic status" under the law – but the disappearance follows public concern that "citizenship is being squandered", unqualified individuals were purged from the *deme*-lists, and the number of metics on record was declining (Whitehead 1977: 159, 163). The disappearance of metic status may be due to a general recognition of their equality to either citizens or *xenos* (Ibid.: 166), or simply their declining presence as residents in Athens. If we are to imagine that some metics, particularly *isoteles* and *proxenos*, may have been granted citizenship and subsequently joined the activities and debates of various public and judicial institutions, while the others may have had their status demoted to visitor or temporary guest, we will find a renewed distinction between citizens and *xenos*. The *xenos* becomes the man-living-in-the-polis; he is temporary, possibly just passing through, while the citizen remains a man-

of-the-polis, not necessarily due to an ethnic birthright, but rather because he, with his citizen peers, constitutes the *polis* with his right and duty to fully participate in all public offices that are available.

The citizen in ancient Athens was either born with or gained the right and duty to participate in governing the *polis*. Among a large population of free adult males, with or without Athenian bloodlines, citizens were distinct for their activities in public affairs, particularly in terms of determining and enacting laws. At one point, citizens are significantly distinct from metics - free adults who have taken up residence in Athens – but the distinctions seem to have become unsustainable as demonstrated by the abandonment of metic status. Nevertheless, the citizen continues to distinguish himself from *xenos* – the foreign travelers who are excluded from governing the *polis*. Thus, our story of the citizen in ancient Greece begins with a free man entering (by birth or honorary privilege) a sphere in which he can deliberate, determine and enact the laws that govern society in the *polis*. Our story continues, however, in another setting, where this distinction between citizens and foreigners (in Athens, *politai* and *xenos*) becomes practically obsolete in terms of citizenship criteria. We will move, therefore, to another locale, another state : the Roman republic.

The Citizen in ancient Rome

At the decline of Etruscan rule, the first people resembling citizens emerged in the early Roman republic. According to legend and practice, the patrician class seems to be that

group of men-of-the-city. By way of myth, the patricians could trace their Roman lineage back to the time when a familial relation was chosen by King Romulus to be one of the first senators, or fathers (*patres*), of the Roman state (Ferenczy 1976: 15). Ever since, it was to be believed that patricians were especially chosen to participate in the senate and other specifically Roman institutions by virtue of their heritage. In practice, patricians were, indeed, the most influential members of Rome insofar as they determined the rules and institutions that governed the state and its people (Ibid.: 19). They participated in the senate, where they deliberated and enacted laws, and decided on military and foreign affairs (Ibid.: 28); and the *curiae*, within which they gathered under legal custom to inaugurate a change of power or other “important legal action” (Ibid.: 29, Mann 1879: 123); and served duty in the military, whose cavalry rank was reserved for patrician elite (Ferenczy 1976: 30).

To be sure, the “period from the fall of the [Etruscan] kingdom to the Twelve Tables is one of the most problematic of Roman history which may justly be called the ‘hazy period’” (Ferenczy 1976: 19). Indeed, this “hazy period”, in which patricians seem to fill the place of citizens, does not allow us to know for certain whether patricians even called themselves citizens, or *civitas* (*cives*). Their relation to the city-state, unlike that of the Babylonian *alum* or the Athenian *politai*, is understood as paternal rather than fully constitutive. There is no evidence confirming that patricians from the early Roman republic referred to themselves as part of the state rather than its paternal inheritors. The powerful role of fathers, especially of big families, was deeply entrenched in the social and cultural institutions of early Rome; as such *pater familias*, the head of a big family,

“was not subjected to the power of others” and held the status of highest distinction (Ibid.: 17). That patricians, namely the male heads of large families, understood *pater* as the utmost in distinguishing qualities suggests to us that the role of father (or paternal relation), rather than citizen, is the dominant one among those partaking the certain rights and duties in the early republic. Indeed, some have commented that the state was governed by a “patrician oligarchy” as opposed to a group of active citizens (Ibid.: 19).

We have better luck in finding citizens (*civis* or *civitas*) during the establishment of the Twelve Tables of Roman Law (449-451 B.C.) (Ibid.: 22f.3). The Law of the Twelve Tables is significant not only because Romans had “regarded [it] as the source of every constitutional and private law”, but also that it included a substantial role for plebeians to work alongside patricians in creating laws and governing the state (Ibid.: 33). Plebeians were those within the city who were “unconnected by ties of kindred or clientage with the original inhabitants [i.e. patricians]” (Mann 1879: 125). At this juncture in time the terms *civis* and *civitas* appear, representing neither patrician nor plebeian (pleb) specifically, but rather the status of one who is recognised and privileged under Roman Law (*Dictionary of Greek and Roman Antiquities* 1875: 292). Thus, emerging from a “patrician state” rose a “patricio-plebeian state” (Ferenczy 1976), one in which the governing bodies are composed of citizens, and not father figures.

To be sure, the Law of the Twelve Tables did not, in one fell swoop, abolish the patrician tradition in Rome, but it did set a precedent for who a Roman citizen is and what he could do. In the Twelve Tables, the equality of plebs to patricians became recognised under the

law, as well as their right to participate in the activities and creation of Rome's governing institutions (Ferenczy 1976: 33-4). By the time the republic was coming to a close and Rome was setting its sights on empire, the plebeian role in governing the state was firmly established and influential (Taylor 1966: table 4-5). Thus, what emerged from the Twelve Tables was not simply a framework for Roman law, but a conception of the citizen, whose status was independent of being either pleb or patrician. The Roman citizen (*civitas Romani*) was generally speaking a male house-holder "with taxable property, born or resident continuously in" Rome (Held 1996: 40). The earlier distinctions between patrician and plebeian practically eroded to give way for the emergence of the citizen (*civitas*) who was distinct among non-citizens (Mann 1879: 172). His citizenship afforded him full access to Roman law, and the rights and privileges that were guaranteed therein (Digeser 2003: 6). This allowed him not only the opportunity to plead and defend his own legal cases in a public court system, but also the choice to seek public office.

The rise of the patricio-plebeian state was gradual as plebs gained increasing privileges and power, while among its neighbours Rome emerged "as the head of a considerable league of Latin states" (Sherwin-White 1973: 15). Though this league eventually dissolved, the interactions among Romans and non-Romans (i.e. citizens and non-citizens/foreigners) grew substantially, particularly in the way of Rome's political and military dominance among Latin states beyond Roman boundaries (*Latium*) (Ibid.: 30). While plebs may have been negotiating the terms of their citizenship and expanding their role within the state, non-Romans were finding themselves inhabiting various *municipes*,

foederatus and *colonia* of the “Roman horizon” (Ibid.: 38). The inhabitants of these areas were not Romans and could not be citizens, for they were neither born nor residing within the boundaries of Rome proper. However, given the nature of Roman expansion, those living within its horizon became subject to certain treaties regarding duties (*munera*) and benefits, while they remained citizens in “the political life of their own *res publica*” (Ibid.: 46). As a result, the Roman status of the citizen became distinguished primarily in relation to *civitas (cives) non suffragio*, which eventually connoted an “inferior class of citizens without the vote” (Taylor 1966: 60). Roman citizens were full citizens, while *civitas sine suffragio* – those residing outside the city, but otherwise fully incorporated within the Roman state - enjoyed only limited status (Sherwin-White 1973: 38).

The Roman citizen was recognised as such by the state, whereas the state extended the status of *civitas sine suffragio* to those inhabitants occupying particular urban *municipes* (Ibid.: 38). Having designated groups under *civitas sine suffragio*, citizens (*civitas Romani*) made themselves distinct among the growing numbers of new members to the Roman state. These new members, quasi-citizens, were required to perform certain *munera* for the Roman state, usually military service; indeed, the “special advantage which led to the use of *civitas sine suffragio* was that it gave to Rome direct control of her allies’ troops” (Ibid.: 46). Thus, aside from military service and observing the “various *iura* which they shared with Rome”, *civitas sine suffragio* were otherwise full citizens in their own *municipes*, or local *res publica*, from their point of view. As the Roman republic acquired greater territory with its increasing military power, however, “the status of *municipes* came to be regarded as an inferior status, and the *civitas sine*

suffragio came to be considered as members of the Roman state who lacked the complete political privileges of other citizens” (Ibid.: 50).

The main barrier standing between these quasi-citizens and the status of Roman citizenship was the requirement of residing and settling in the city of Rome (Ibid.: 47). Given that *civitas sine suffragio* required military service and observance of an externally imposed code of laws, however, the Roman state could not have been sustainable had the general status of *civitas sine suffragio* remained unchanged. By the third century, the Roman state had instituted a process by which quasi-citizens could be “elevated to the status of full citizens by the grant of *ius suffragi*” (Ibid.: 51). This may have changed very little the actual duties and rights of citizens – both Roman and native of the municipal *res publica* – for they did not necessarily share in the governance or law-making of Rome as a whole, and military duty remained a requirement. That citizens were to “perform their *munera* for Rome and also perform the *munera* and enjoy the *honores* of their local *res publica*”, however, extended the community of citizens, and the meaning of citizenship, significantly (Ibid.: 58). The dual nature of this conception of citizenship, on the one hand, imposes certain duties and laws on independent communities, while on the other hand, recognises the independence of those communities. To be a Roman citizen, especially if he is far from the city of Rome, was understood in terms of duties and treaties; his local community remained the sphere of his public life as a (regular/native) citizen. In this way, Roman citizenship became no longer a signifier of one’s public and legal status within the city limits, but instead an institution within a legal framework that distinguished those recognising Roman laws from those

who did not (Ibid.: 98). The protectorate of Roman citizenship, that is the senate and other governing bodies in Rome, to be sure, maintained control of the local groups who were willing to defend Latin law and Roman citizenship. Though, some might argue that it was specifically military personnel within Rome's horizon who "considered themselves entitled to a voice in [Rome's] government", which led to the eruption of war (Mann 1879: 209), the causes of Rome's Social War remain generally unclear. However, that many Italian allied colonies - their communities and militaries - of Rome had gained "the Roman franchise" and were subsequently given the status of full Roman citizens by the end of the war (91-88 B.C.) cannot be taken for granted (Sherwin-White 1973: 134).

As Rome's horizons expanded, the manner in which it defined citizens became part and parcel of becoming a colony that could "function without external aid, absorbing the laws and edicts of the central authority and giving effect to them through its own machinery" (Ibid.: 160). Again, the Roman component of citizenship was found in the establishment of a code of laws and basic duties, whereas it was within the local community where citizens, acting as "agents of change", were to be found (Ibid). To be sure, Roman citizenship required military duty, which became the "essential *munus* [duty] of the plain man" (Ibid.: 171-2). Nevertheless, the predominantly legal and distant nature of Roman citizenship, as compared to the practical and local nature of the citizen in his *res publica* (who was recognised under Roman law), enabled Rome to establish consistent and favourable relations with *municeps* and other colonies.

After Roman citizenship had been attained by all Italians and Rome had begun shaping

into an empire, the scope of the rights and duties of citizens becomes ever more distant from the actual city of Rome. Citizenship came to mean the sharing of common Roman law and political membership in one's local *res publica*. This conception of the Roman citizen continued to carry weight throughout the decline of the republic and the rise of empire. Indeed, by 212 A.D. all free men within the empire were declared Roman citizens by Emperor Caracallus, such that "a man was a Roman citizen simply because he was a free inhabitant of the civilized world" (Ibid.: 279, 287; Digeser 2003: 15-6 and Mann 1879: 271). The Roman component of citizenship, experienced largely from a distance by the citizen of a local *res publica*, became one that did not distinguish anyone in terms of activity, namely public activity, or an "endowment of valuable rights and immunities"; instead it consisted of making all citizens equal in their subjection to the Caesar (Mann 1879: 172). Thus, throughout the decline and collapse of the Roman empire, Roman citizenship, as it was identified in relation to the Caesar and his institutions, declined in relevance as well. When city-states and other communities were fortunate to have survived bouts of war, they would claim loyalty and membership to the local *res publica*, rather than (or in spite of) Rome (Mann 1879: 359).

The surviving city-states of the fallen empire, such as Florence and Venice, evolved into communities in which "professional and commercial men" competed with the nobility and the "lower order of the populace" for the distinction of citizen (Mann 1879: 443-4). The opportunity to participate in public affairs and determine community rules and regulations was indeed a right of the citizen. However, because this right was granted or earned by groups distinguished by economic status, citizenship became primarily a

distinction of class (Ibid.: 413-4). As such, citizens were identified by their position within the nobility, aristocracy, plebeian or other class. Instead of their specific participation in public life or their relation to the community (*alun, politai, civitas*) serving as one of the main elements of citizenship, citizens were recognised for their management and accumulation of wealth. This was ultimately the case in Florence where, by the early fifteenth century, a plebeian oligarchy had developed, which granted greater equality to the lower classes of citizens while reducing the status of citizen to one which was altogether restricted from the decision-making processes that effected the city (Ibid.: 459, 478-9 and 558). Citizens' rights, while perhaps growing in equality in recognising a greater number, were designated according to the role one played in the economic realm.

Economics and public life were fused in this way primarily by the increasing significance of property, particularly intellectual property. The emergence of intellectual property rights, of which more discussion later, marks an important stage in our story of the citizen. Though citizens in ancient history were no strangers to some relation between citizenship and property - at the very least, citizens were required to reside within a given territory, which suggests a form of land ownership - it was not until the fourteenth and fifteenth centuries that property ownership became a fundamental aspect in the governance of the state. The admission of *isoteles* and *proxenos* to full citizenship in ancient Athens foreshadowed this development in later centuries insofar as the metic elite were accepted as citizens largely based on their economic and/or military contributions to the *polis* (Whitehead 1977: 159). Similarly, in the early modern Italian city-states,

citizens were granted privileges by the state for their contributions to its economic livelihood.

Florence and Venice are especially noteworthy in terms of developing state sanctioned intellectual property legislation which applied to all citizens, beginning as early as the fourteenth century (Bugbee 1967: 20). The early modern republics of Florence and Venice issued property rights to citizens according to economic status, while patent (intellectual property) rights were granted to those whose ideas and inventions had the potential of stimulating industrial and economic growth through the protection of domestic inventions and useful techniques (Ibid). In fact, in 1474 the republic of Venice created a comprehensive patent statute which recognised the rights of the inventor, provided standard application procedures, outlined penalties for patent infringement, and imposed a patent life of 10 years (Ibid.: 24). The development of patents and intellectual property law, to be sure, was an initiative of the state, and not necessarily a collective agreement among all citizens. The state sought to protect citizens, namely inventors, in order to benefit from the useful techniques, designs and construction that warranted a patent. Such things as irrigation systems, weaving and glass-making processes were particularly useful in terms of increasing productivity and reducing the state's need for imports (Pipers 2005). Thus, the patent (law) system emerged as a new lens through which the state refocused its view on citizens to see more clearly their productive and economic capacities, and reduce in importance what once distinguished the citizen among all others, namely participation in public and political life, including the military. Citizens, therefore, remained distinct, not for their contributions and activities in public

affairs, but rather for their contributions to the state's economy.

As a result, the existence of a clear political economy emerges in the fifteenth century wherein the state, and by extension its citizens, becomes a primary economic actor in addition to its role as a locus for public affairs and military duties. From here, it is important to continue our story of the citizen in those places where this conception of political economy - that the state relies on the increasing economic (and productive) capacities of its citizens to maintain its own independent existence - flourished. Because modern history offers innumerable stories of citizens' whereabouts and activities, it is important that we select a path that will lead us directly to our contemporary reality. Thus, we will continue our story where citizens were found (re)acting to and in the political economy that led to the development of modern liberal democracies.

TABLE 1 : Citizens in ancient history

	Mesopotamia/ Babylonia ¹		Greece/Athens ²		Roman republic ³		Roman empire ⁴		Italian city-states (linking ancient to modern)	
	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens
Description	- Arms-bearing free adult male	- Non-arms bearing males - Slaves - Children - Women	- Free adult males of Athenian descent	- Slaves - Women - Children - <i>Xenos</i> - <i>Metoikos</i> (metics)	- Property-holding free male residing in Rome	- Men without property - Slaves - Women - Children - <i>Civitas sine suffragio</i>	- All free men within empire	- Slaves - Women - Children - Those outside empire	- Free male resident within city-state	- Slaves - Women - Children - Travelers/foreigners
Duties	Community defense Uphold code of law Participate in <i>puhrum</i>		Military service Uphold law of <i>polis</i> Participate in <i>ekklesia</i>	Military service Uphold law of <i>polis</i>	Military service Participation in governing institutions in Rome Uphold Roman law	Military service Participation in governing institutions of local <i>res publica</i> Uphold shared Roman <i>iura</i>	Military service Uphold Caesar's laws		Uphold local law Work towards economic and public good of city-state	

¹ Information gathered from T. Jacobsen (1943) *Primitive Democracy in ancient Mesopotamia* and (1977) *Mesopotamia: The Cosmos as a State*; S. N. Kramer (1981) *The First Bicameral Congress*; and Y. Schemel (2000) *Democracy before democracy*.

² Compiled from H. Mann (1879) *Ancient and Mediaeval Republics*; D. Whitehead (1977) *The Ideology of the Athenian Metic*; D. Held (1996) *Models of Democracy*; and J. Ober (2000) *Quasi-rights: participatory citizenship and negative liberties in democratic Athens*.

³ Composed from the work of H. Mann (1879) *Ancient and Mediaeval Republics*; L. R. Taylor (1966) *Roman Voting Assemblies*; A. N. Sherwin-White (1973) *The Roman Citizenship*; E. Ferenczy (1976) *From the Patrician state to the Patricio-Plebeian state*; D. Held (1996) *Models of Democracy*; E. D. Digeser (2003) *Citizenship and the Roman Res Publica*.

⁴ Descriptions for the Roman empire and Italian city-states until early modern history come from H. Mann (1879) *Ancient and Mediaeval Republics*.

TABLE 1... continued

	Mesopotamia/ Babylonia		Greece/Athens		Roman republic		Roman empire		Italian city-states (linking ancient to modern)	
	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens
Privileges	Power to decide and create rules and laws Determine the necessity to go to war Protection under full scope of law		Power to decide and create rules and laws Determine necessity to go to war Full access to legal system Full protection under law	Limited access to legal system Protection of property and general livelihood	Full recognition under Roman law Power to debate and enact Roman law Determine the necessity to go to war.	Partial recognition under Roman law	Equality under Caesar's law		Full recognition and protection of property, including intellectual property, rights under law	

Chapter Two : The Citizen in modern history, Towards Liberal Democracy

The pseudo-citizen in the Peace of Westphalia and the English civil wars

At the outset, it is important to make clear that our story of the citizen *per se* does not necessarily invoke the historical events involving the Peace of Westphalia (or more generally, the pacification treaties that ended Europe's Thirty Years' war) and the English civil wars. The political systems of the day, under the authority of the monarchy or the church, recognised subjects of the King or God, rather than citizens of the state (or community). St. Augustine, more than a millennium before the signing of the treaties of Westphalia and the English civil wars, wrote of a citizen living in a city of God, while comparing him to his counterpart in the earthly city (*De Civitate Dei* [*The City of God*] St. Augustine 2001: 426). As such, one could argue that Augustine outlined a general concept of other-worldly citizenship that made possible the emergence of church power that rivaled, and sometimes consumed, the state. Indeed, the role of religion - its churches, factions, doctrines, and congregations - is of enormous importance in understanding not only the social and political organisation of communities throughout the middle ages, but also a foundational element that underlies the emergence of modern nation-states. However, it is not within the scope of this paper to describe and analyse the rich body of literature dedicated to the role of religion in history, particularly political history. Although it is possible to speak of a citizen in the heavenly city, it is categorically impossible to experience or translate that existence, in terms of distinctions and activities, in any meaningful way.

Similarly, it would be far too difficult in these pages to explain in great detail the development of western and northern Europe's early modern state monarchies. But, from their emergence, we find large geographic areas delineated and organised under the judgment of a select few by virtue of their wealth, family heritage, and religious affiliation. For many centuries leading to this system of absolute monarchy, these areas, particularly in England, were composed of communities not unlike the Roman republic's *municeps*, wherein local authorities were responsible for maintaining domestic order, which among the communities, "tended to be decentralized, as was the administration of justice" (Blitzer 1963: xix). As England's horizon, as well as those of other European monarchies, grew, these smaller, and relatively autonomous, communities became incorporated into the larger state. To be sure, the state powers of European monarchies did not go uncontested by a variety of groups and factions. The treaties of Westphalia and the English civil wars provide contexts in which active critics of particular churches and monarchs (and monarchical systems) laid the groundwork for the future re-emergence of citizens in England, Western Europe and elsewhere. But first, we shall see how these subjects, or pseudo-citizens, took on the tasks of citizens, and subsequently paved the way for citizenship in the modern nation-state.

The pacification treaties (1648-1659) ending Europe's Thirty Years' War (1618-1648), involved the consent and agreement of warring parties, including German states, France, Spain, and the Netherlands (Neufeld 1971: 8). In one respect, the treaties of Westphalia might be considered significant because they ushered in the era of the nation-state, which is often understood as the predominant political unit of interest in current discourse.

They are also important, however, because they clearly demonstrate a perception that economic prosperity, particularly by means of acquisition, trade and commerce, is a necessary condition for a lasting peace among states, in fact, for the very existence of states. The general goal, of course, was peace, and also to "heal the wounds inflicted by the war" (Ibid). The content of the pacification treaties, however, suggested a path towards lasting peace by way of ensuring that states recognise their responsibility in securing and protecting the private property rights of subjects residing in signatory states.

The two treaties signed in Westphalia (24 October 1648) were similar in that they established an agreeable system through which recoverable property was redistributed, the administration of justice was reorganised, and security of private property was made a central tenet (Neufeld 1971: 9-10). The treaty between Spain and the Netherlands (United Provinces) earlier that year (30 January) laid the groundwork for newly sovereign nation-states to establish and build legal, political and economic relations with each other. As a result of Spain's recognition of the autonomy of the United Provinces, the treaty offered subjects from both nation-states protection, particularly in terms of private property (Ibid.: 12). Indeed, because Spain and the Netherlands, along with England and France, were "leading commercial nations and had developed important colonial empires" by this time, the redistribution and re-negotiation of property rights given in the treaty dealt with the treatment of monopolies as well as colonies. Twelve years later, the treaty signed by Spain and France reaffirmed the commitments made in the Spanish-Dutch treaty; protection of private property and fair justice among national subjects was ensured, while property was redistributed to offer a peaceful settlement (Ibid.: 16).

Drawing from the substantive aspects of the pacification treaties, the ways in which particular subjects of the state were granted certain privileges by virtue of their economic activities becomes clearer. Indeed, the emerging nation-state was "no longer determined by the religious antagonism of the Protestant and Roman Catholic nations", it was rather "mainly concerned with [its] economic prosperity and the aggrandisement of [its] international commerce as sources of political power and national wealth" (Ibid.: 19). In order to sustain the very existence of the nation-state - by way of economic growth and regional peace - the treaties associated with Westphalia ensured fair and free trade among all subjects. This required states to agree upon standards for protecting personal property and allow subjects the freedom to go about their business. The treaties determined a certain equality of rights and treatment for subjects, namely those who demonstrated a capacity to stimulate the state's economic growth. The treaties were also enormously influential in creating continental (political and economic) relations which ultimately determined the context in which England found its role in regional affairs. Oliver Cromwell, the posterboy for anti-monarchy sentiment during the English civil wars, was said to have been "guided in his foreign policy by 'the particular needs of British commerce and shipping'" (Ibid).

As mentioned above, the time of the English civil wars and the Peace of Westphalia was one of monarchies, churches, and subjects. In England, while we do not find citizens, we do find a number of groups who resemble citizens insofar as they partake in similar activities and enjoy similar privileges as citizens did in ancient history. Particular groups

and individuals, including royal families, the military, nobility, and members of the parliament, had varying roles in defending and creating territorial boundaries, determining and enforcing laws, foreign and domestic policies, and deliberating state matters in an assembly with the power to act. In addition to these distinct ties to the state, these groups could be distinguished among others within the wider community, namely tenants and labourers, because they were primarily property-owners (Young & Holmes 1947: 18). In many cases, residents in England were not only subjects of the monarch, they were also his/her tenants (Ibid). Though tenants were required to pay rents, all subjects of the kingdom were required to pay taxes, including property tax, and generally observe state laws and royal decrees; these duties stemmed from a royal prerogative authorised and justified by the monarch who derived authority supposedly from God's will (Arendt 1965: 156), though the King/Queen and those (s)he chose were not required to fulfill them to the same extent. In fact, taxes generally were the primary sources of incoming revenue that allowed monarchs to live and rule the state; as such, paying taxes would have been redundant on the part of the monarch, as money would simply be moved from one coffer to another without ever changing owners.

Throughout the civil wars and until the restoration (1642-1660), members of parliament and their military (largely funded with "personal fortunes") actively (and violently) challenged the legitimacy of royal prerogative and the monarchy's privileges and power (Young & Holmes 1974: 20). While there is, no doubt, a multitude of dimensions in which one could understand the causes and outcomes of the parliament's rejection of the King's (Charles I) authority, it is most important for our purposes to consider the concept

of "parliamentary sovereignty" (Young & Holmes 1974: 19 and Blitzer 1963: xxi). The development of this idea enabled men of parliament *qua* subjects to justify their refusal to pay taxes and abide by rules and laws that originated from royal decree. Non-parliamentary taxes (i.e. those of the monarchy) were declared illegal and monarchical rule, especially in terms of property ownership and legal state authority, declined substantially. Parliament, in essence, replaced the King's sovereign rule over the state with their own. The constitution and laws of the state had a new origin, and its taxes required parliamentary initiative. Despite that a number of different groups were involved in the civil wars, it was particularly the men of parliament who gained the opportunity to determine the constitution and purviews of the state (Young & Holmes 1974: 319). And, though "economics did not provide the political nation with a clear line of cleavage", it may nevertheless be safe to say that property-owners whose support rested with parliament ultimately benefited from the change in England's rulership (Ibid.: 28). Not only did supporters of the monarchy (Royalists and members of the nobility) have much of their property seized, this also allowed individuals with enough funds and resources to purchase the seized property and increase their personal wealth (Ibid.: 319 and 332).

This scenario in which parliamentary sovereignty became the governing principle of the state, however, did not fully last. Following the death of Oliver Cromwell and increasing instability within the state and parliament, Charles II returned to London from exile (on his birthday, no less) to reclaim the sovereignty and control of the state (Ibid.: 325-30 and Evelyn in Blitzer 1963: 198). This, to be sure, did not mean that the parliamentary gains

made during the wars simply melted away with the restoration of the monarchy. No; instead members of parliament had made great strides towards positioning the factors of personal property and wealth as central components of the state and its inhabitants. Indeed, following the restoration, Charles II left Cromwell's foreign trade policy, which deeply resembled the treaties associated with Westphalia, largely untouched; he is noted for having declared "The thing which is nearest to the heart of the nation is trade and all that belongs to it" (Neufeld 1971: 23).

Thus, following the entrenchment of earlier pacification treaties and the reforms made by the English parliament during their civil wars, a political economy for the modern nation-state became firmly established. It was one in which pseudo-citizens (subjects) enjoyed special rights and privileges within, and performed certain political and economic duties for, the nation-state. By the same token, the nation-state guaranteed these rights and freedoms in order to sustain its economic and political independence. Subjects were distinct among other European residents whose states were not signatories to pacification treaties, while property holders and creditors were particularly distinguished because of the economic role they played within the state. In this respect, the rise of liberal society can be placed within a political economic context in which the primary tenets of liberalism can be viewed in a clear light.

The treaties associated with the Peace of Westphalia recognised the personal property rights of merchants, traders and others to confirm the "liberty of commerce" in order to sustain peace among signatory states (Ibid.: 10). In this respect, the treaties created

suitable conditions in which a free market could emerge. The free market economy gave rise to "a society based on individual mobility, on contract, and on impersonal market allocation of work and rewards in response to individual chores" (Macpherson 1965: 7). Indeed, in the years during which Oliver Cromwell served as the Protectorate of England (1653-1658), England became a member of many treaties similar to, and often signed by, those states associated with the Peace of Westphalia (Neufeld 1971: 20-4). The England-Portugal treaty, for instance, granted "subjects and inhabitants" privileges and protection, particularly to encourage "free commerce and movement" for those interacting within treaty states (Ibid.: 20). Proliferation of these pacification treaties throughout western and northern Europe placed individual, and alternatively private, economic relationships at the centre of inter-national affairs.

In addition, the English civil wars and the establishment of a commonwealth introduced a conception of "parliamentary sovereignty", which derived authority from people, rather than God. The individual persons, to be sure, were specifically members of parliament, who generally represented fellow subjects (especially those owning property). Thus, on the one hand, the men of parliament were individuals, like all others, whose free mobility and interactions within and between certain states were guaranteed and protected; on the other hand, their joining with others in parliament created an autonomous body that held political and public authority. The highest state authority was no longer God, the church or the monarchy, instead it was the collective wills of individuals that composed parliament. They justified their authority by the very fact that they were individuals, like all others, who were reasonable and capable of managing public and private affairs, and

determining that which was in the interests of their own good. Rather than having laws, decrees and other state initiatives determined by God's will, which made God ultimately responsible for the autonomy of the state, parliament offered a personally responsible government whose laws and taxes were determined by individual representatives who "treated government as the supplier of certain public goods" (Macpherson 1965: 8). The commonwealth of England emerged with a political system that joined the free individual of the market to the sovereign power of people, insofar as sovereign state power no longer originated from the will of God, but instead found its origin in the collective deliberation and action of individual members of parliament serving the function of providing all individual subjects with public goods.

Against this backdrop of free markets and sovereignty of the people, the liberal society flourished in terms of expanding and deepening freedom and liberty for certain individuals. One need only scan the works of Locke, Montesquieu, Hume, and Smith to discover the liberal trends within thought and society during the period between the mid-seventeenth century and the American and French revolutions. The outstanding features of the liberal society were foremost the inalienable rights of individuals, namely in terms of their life, liberty and possessions according to Locke (*Second Treatise of Government* 2001: 2.6). Economically speaking, liberal theory and practice refocused the definition of private property such that all individuals could be recognised as property-owners insofar as their very person and the labour that they perform are the means for appropriating certain properties which may initially be held in common (Ibid.: 5.26-27). Individuals, simply by virtue of their physical existence in the state, were equally endowed with

property rights insofar as their life, body, labour, and work constituted not only a means of claiming property, but also property itself. Politically speaking, liberalism, with its regard for individuals as central and primary actors, transcended the original formula of parliamentary sovereignty and gave form to the modern notion of self-government. We shall, therefore, explore more fully the implications of this development on the citizen by way of the American and French revolutions in the latter half of the eighteenth century.

The Citizen in the American and French Revolutions

"The modern concept of revolution, inextricably bound up with the notion that the course of history suddenly begins anew, that an entirely new story, a story never known or told before, is about to unfold, was unknown prior to the two great revolutions at the end of the eighteenth century" (Arendt 1965: 28). Indeed, what demonstrated the sheer newness emerging from these revolutions was the active reconfiguration and reconstitution of the roles and functions of citizens within nation-states, based primarily on liberal tenets. The citizen *per se*, as we have seen, did not play a predominant role and was not considered a distinguished public/social figure following the collapse of the Roman empire. Only at this point in our story, in fact, the citizen re-emerges, or one might say, is born anew.

The original united states of America that preceded the revolution (1765-1776), were initially part of a collection of colonies that England had established across the Atlantic Ocean. The colonies' inhabitants included British settlers, among others, whose relationship to the state "was that of a subject (or alternately an alien) to the crown"

(Gundersen 1987: 60). State authority remained with the British crown, despite the geographic distance between the two locales, via the colonists who continued recognising the legitimacy of British rule. Like all subjects within the British tradition, American colonists "had certain obligations to the state", including payment of taxes via local authorities and observing British law (Ibid.: 60-1). In 1765, the legitimacy of British dominion, however, took a serious hit from American colonists (British subjects) who "universally regarded [the stamp tax] as an unconstitutional tax, one which was imposed without the consent of the colonies and which jeopardized the power and authority of local legislative assemblies" (Rudolph 1959: 450). Indeed, American colonists resembled Rome's *civitas sine suffragio* in the ancient republic, such that they enjoyed relative autonomy at the local level while being subject by a distant authority to serve and obey external policies largely outside their control.

The colonists' reaction to the Stamp Act, England's first direct tax on Americans, demonstrated a similar sentiment to that of their ancient counterparts insofar as they challenged the external and distant authority that determined supreme law. Unlike *civitas sine suffragio*, however, colonists did not pursue, and were certainly not granted, some higher form of political membership within the empire (e.g. Roman citizenship). Instead, what we find following popular protests against the Stamp Act, and other of England's tax measures, is an explicit desire to gain independence from, rather than full incorporation into, the empire's horizon. This desire could be said to be one of self-government, though in some cases popular uprisings were understood to serve "the purposes of merchants and landowners" (Ibid). Whereas *civitas sine suffragio* challenged

its position within the Roman republic, which resulted in the granting of citizenship to all free men within the horizon, the challenges posed by colonists resulted in the recognition of former subjects as self-governing individuals residing in locales independent of all other states. Indeed, with the ratification of the Declaration of Independence and the Constitution of the United States of America, the revolution gradually came to a close, and liberalism had made one of its most significant marks in the political sphere and on the citizen therein.

This new American citizen, as referred to in the Constitution, was understood to be a constituent member of his local colony-cum-state whose individual citizenship was to be recognised in neighbouring states (see *U.S. Constitution*: Article IV, sec. 2.1). The U.S. Constitution affirmed the role of citizens within their local state and secured that identity within the union. After all, states joining the American union, and subsequently accepting the Constitution, did so as a result of local determination. That is, states were already understood as autonomous political communities before the Constitution even existed (Oliver 1970: 69), and the decision to join the union was neither coerced nor imposed by outside forces. The U.S. Constitution, in addition to proposing concrete mechanisms towards building and preserving a lasting union among states, outlined the most general and basic rights, privileges and freedoms that individuals ought to enjoy in a liberal society.

This may resemble the treaties associated with the Peace of Westphalia insofar as certain basic individual rights and freedoms were written into law. The striking difference,

however, lies with the fact that the Constitution goes far beyond instituting a peace through free commerce and market relations, and reaches for a substantial political union based on free and reasonable individuals with inalienable rights. The individual is not a subject whose property and economic relations are protected by treaty, he is rather a citizen whose community has accepted, among other autonomously determined decisions, the Constitution (composed of certain rights and laws) as a legitimate set of principles under which an alliance and union can be made. Within the Constitution, the primary liberal rights of the individual were reinforced, which allowed citizens of union states the autonomy to create their own constitutions and legislation as they see fit. Indeed, certain restrictions and limitations were placed on federal and state (i.e. centralised) power in order that the individual's rights, including those with respect to property, remained reasonably inviolable.

The citizen who was recognised within a given state was also recognised as such in the Constitution. Though the distinctions of citizens varied from state to state, the Constitution provided a standard framework for the rights, freedoms and duties of all citizens within the union. As such, the citizen was any reasonable adult individual, particularly distinguished for his protection and recognition by state and federal constitutions. The citizen, therefore, was distinct among slaves, servants, women and children (all of whom were perceived to lack rationality and the general faculty of reason). The quality of their distinction, to be sure, rested on their specific commitment to the state and federal constitutions, and the laws, duties, rights and taxes involved in citizenship. This included paying property taxes, voting in state and federal elections and

serving jury duty when summoned. Barring those duties, the citizen was otherwise understood to be autonomous and free. The citizenship that emerged following the revolution was new and unknown insofar as it was founded on the notion of autonomous individuals with the inalienable rights to personal property and self-government. Though it was exclusive in terms of sex, age and socioeconomic position, American citizenship made the explicit attempt to conceive of citizens in the most inclusive manner, which, for all intents and purposes, made the reasonable individual synonymous with the citizen.

In many respects, the French revolution (1789-1799) carried on this liberal trend of equating the individual to the citizen. Though not all the institutions and systems established during the revolution lasted, and though the extent and nature of the rebellion differed enormously from the American revolution (Rudolph 1959), it can certainly be asserted that the revolution in France was part and parcel of the citizen's formal entry into a liberal state (Macpherson 1965: 8) and the modern world. The Declaration of the Rights of Man and the Citizen, approved by the National Assembly shortly following the storming of the Bastille, makes explicit the basis upon which all men everywhere and forever are equal; all individuals, including citizens, are born with imprescriptible rights and freedoms, and there are only extraordinary instances in which those rights or freedoms can be justifiably violated. In this respect, all men (universally) and citizens (particularly) were equal; "[the] great symbolic gesture of the French Revolution was the insistence that titles no longer be used, not even that of Monsieur and Madame. Everyone was to be called 'Citoyen' (Citizen)" (Wallerstein 2003: 650). The citizen, like his counterpart across the Atlantic Ocean, was generally distinct from all others in terms

of his presence within a given nation-state (Ibid.: 651). Citizenship was to be inclusive to the extent that nobody's rights should be violated, and therefore there could not be any qualifications for citizenship except, at the very least, semi-permanent residence within (and integration into) the geographic boundaries of the nation-state. Though, again, reflecting the obvious limits on inclusive citizenship in America, *le citoyen* was synonymous with not all individuals, but rather adult white male individuals. Despite demonstrations and public uprisings, women, blacks, and workers were excluded from citizenship as a result of having been deemed an incomplete member of the nation (Ibid.: 653-6).

Nevertheless, the citizen emerging from the revolution in France was bound to the public sphere of the nation-state, whose binding force was determined by the inalienable rights of the individual, which included the rights to determine or seek public affairs and offices (self-government), to speak and associate freely, and to protect and secure private property. Moreover, the Declaration provided an understanding of sovereignty that derived its authority and power from neither a monarch, the aristocracy nor particular state assemblies; sovereignty, instead, resided in the nation. As such, national sovereignty - that which determines the autonomy and independence of a nation-state - became based on citizens, whose individual rights and freedoms served as the foundation for sovereignty, while their active participation in public life served to affirm the national sovereignty.

To be sure, among the authors of the Declaration, Abbé Siéyès, in earlier drafts,

"proposed a distinction between passive and active rights, between passive and active citizens" (Ibid.: 651). Whereas passive citizenship resembled the broad and general range of individual rights, active citizenship required "an active role in the formation of public authorities" (Siéyès in Wallerstein 2003: 651). Thus, in an early draft all individuals inhabiting a country could be understood to be passive citizens, including women, "children, foreigners, and those others who contribute nothing to sustaining the public establishment", while those exemplary individuals who do "contribute to the public establishment [...] are truly active citizens, true members of the association" (Ibid.: 651-2). As a result of this two-tiered notion of citizenship, the final Declaration "defined active citizens as those who paid a minimum of three-days wages in direct taxation. Property became the prerequisite of active citizenship" (Ibid.: 652). The citizen emerging from the French revolution, therefore, was distinct not only for his status as a free and reasonable individual (a status which did not include women, children, or visible minorities) residing within a given state, but more specifically for his participation in the public establishment and, at the very least, his economic capacity to contribute to it. National sovereignty rested on passive individual citizens, but could also be asserted by way of the active citizen.

The rise of liberalism, within the context of free markets and parliamentary sovereignty, set in motion the development of an idea of the individual who, by virtue of his birth and physical existence on earth, is endowed with a relatively broad set of inalienable rights and freedoms. The American and French revolutions were remarkable historical events insofar as this liberal notion of the individual became firmly rooted in the definition of

the citizen. France's Declaration, in particular, "indicated man's emancipation from all tutelage and announced that he had now come of age" (Arendt 1973: 290). No doubt, this coming of age included the citizen's (re-)conception, gestation and (re-)birth in a modern liberal state. All individuals everywhere, in principle, have the basic (and natural) rights of liberty, property, and security; the citizen was he who enjoyed those rights within a given nation-state, and joined other citizens in (passively or actively) proclaiming national sovereignty. The citizen could potentially include everyone residing within national state borders. This, however, was not entirely the case : individuals, and therefore citizens, remained a considerably selective and exclusive group within society in terms of, most notably, their sex, skin colour, and socioeconomic position.

The Citizen throughout the Addition of Democracy to Liberalism

The inclusive force of liberalism, however, compels our story forward, as we will encounter these notably excluded groups who used the language of inviolable rights to claim citizenship. To be sure, however, the demand by marginalised groups to have their individual rights recognised has not been restricted to liberal states and societies. Rather, the process by which rights and liberties were extended to formerly excluded groups can be said to be democratic in nature, instead of liberal. Though the principle of individual rights is liberal, gaining equality and inclusion in terms of these rights is understood to be democratic insofar as (groups of) individuals assert their rights as members of the people (nation) in order to claim a role in governing and political rule (Young 2000: 23).

Indeed, since the nineteenth century until today, one can speak of non-liberal, and even illiberal, democracies wherein legal and political equality and inclusion, rather than individual rights, are the chief criteria on which the state and society are built (Macpherson 1965 and Zakaria 1997). Thus, following the revolutions of the late eighteenth century and the proliferation of the (liberal) concept of individual rights, inhabitants of the world found themselves endowed with the authority to participate in and determine the affairs of their social and public realms. As such, claims to citizenship, particularly its democratic variant, during the period between the liberal revolutions in America and France and our contemporary context have been, undoubtedly, manifold.

For the sake of simplicity, however, the manifestation of the democratic citizen can be understood in two ways : first, by quitting the existing state franchise, renegotiating the terms of citizenship and national sovereignty, and reconstituting state and society, groups became citizens within a new state order. Indeed, this resembles the revolutions of the eighteenth century such that the claim to citizenship entails severing ties to the existing political system (*ancien régime*) and rebuilding state and society according to the sovereignty of the people. However, while rights may have been important in motivating this process of citizenship, the explicit goal was equality in terms of rights and liberties. The obvious setting in which we find citizens pursuing this democratisation process is Russia during the years preceding and throughout the Bolshevik revolution (nineteenth and twentieth centuries), where peasants and labourers (the proletariat, generally speaking) sought to overthrow the existing government and rebuild a state based on class equality and workers' (individual) rights. This was, broadly speaking, a democratic, and

not necessarily a liberal, movement insofar as it contained "an ideal of human equality" which motivated a claim to citizenship, and the concept of individual rights, particularly pertaining to property, were reconfigured in order to establish class equality (Macpherson 1965: 22).

In contrast, the second manifestation of the democratic citizen entails individuals and groups joining the existing franchise in order to gain equality of rights and liberties within state and society. The predominant difference between this method of democratisation and the one mentioned above is the desire to incorporate oneself, or one's group, into the current system, rather than abolishing the state and rebuilding anew. As such, the rights and liberties of individuals, as introduced via the rise of liberalism, remained predominant goals within these democratic movements, wherein equality and inclusion were sought to extend, rather than solely redefine, individual rights. Because our story tracks the citizen along the path towards contemporary liberal democracies, therefore, we will focus our attention on this second method of democratic citizenship, for it is within these locales where the addition of democracy to the liberal state is most apparent (Ibid.: 11). Moreover, among these democratic movements within liberal states, we shall find groups, particularly workers, women and racial minorities, demanding inclusion into the existing legal and political systems, and subsequently claiming legitimate citizenship within the nation-state.

Recalling that the rights of the individual include property rights, the liberal state, particularly the United States, emerged as a set of institutions that served to protect and

ensure the security of private property. It comes as no surprise, then, that property owners within the business and industrial sectors were especially privileged because the protection of their property, as they defined it, was ensured by state regulations and government mechanisms. In this respect, the status of workers and labourers was understood in terms of their subordination to their employers who had effectively purchased their labour (property) for a given wage. As such, during the late nineteenth and early twentieth centuries in the U.S., legal restrictions were placed on the individual rights and liberties of workers in order to re-affirm the predominance of property rights (Swidorski 2000: 323). Indeed, labourers and workers were not considered, nor did they consider themselves, free individuals in terms of enjoying the right to pursue and engage in activities of their choosing; moreover, this was in stark contrast to their employers whose rights were explicitly protected at the expense of workers' liberty. Business and industrial property owners not only had the right to acquire more property and profits, they enjoyed judicial and government support in placing "their rights of property against the claims of workers and, in the process, severely limited the expressive and associational activities of workers" (Ibid.: 326).

To be sure, this dichotomy between workers and owners was not substantially different from that between the Russian bourgeoisie and proletariat. However, where Russian workers sought to overthrow the state, American labour engaged in a rights discourse that challenged the notion of private property and used the idea of civil liberties to claim the full scope of individual rights, and therefore citizenship, for themselves. Although change occurred over the course of half a century, American workers and labourers

eventually succeeded in motivating the necessary legal and judicial reforms that would extend individual rights and liberties, particularly the freedoms of speech and association, to include workers and non-property owners (Ibid.: 337). Workers incorporated themselves into state and society by using the language of individual rights to assert the predominance of civil liberties over property rights. While citizenship was extended, citizens, now including workers, remained distinct for their equal recognition of rights by the liberal democratic state and for their activities devoted to reforming political practice and legal doctrine.

As workers, namely those in the U.S., gained equality and inclusion in the liberal democratic franchise, women were beginning to assert their individual rights to property and political inclusion. During the nineteenth century, there were a "few... short-lived instances" in which women, particularly those who were unmarried and had property in their names, were implicitly enfranchised in the nation-state (Markoff 2003: 88). This, indeed, was short-lived for governments reacted fairly quickly to restrict the political and social activities of all women by introducing laws that explicitly excluded them from enjoying the full range of individual rights and citizenship (Ibid.: 89-90). Thus, because past constitutions were largely ambiguous in terms of gender exclusion/inclusion and allowed women of nobility and property to enjoy certain rights, state and legal authorities deemed it necessary to clearly define the realm of individual rights as that belonging to men.

As a result of this explicit exclusion from the state franchise, women the world over

organised themselves in order to challenge and extend, but not abolish, the liberal and legal traditions pertaining to the individual rights of men. Not unlike workers, women used liberal principles in order to argue their legal and political equality to men, and justify their inclusion and recognition in the nation-state. Moreover, their organised activity proved successful not only in terms of gaining equal individual rights and citizenship, but also in reforming state legislation and renegotiating a sexist (exclusive) social tradition that could simply not survive the inclusive force of liberalism and, indeed, democracy. The inclusion of women as individuals, and subsequently their suffrage as citizens, flourished from the late nineteenth century onwards, generally beginning with New Zealand (1893) and Australia (1902) and proliferating gradually throughout the world (Ibid.: 91). Women's enfranchisement allowed women to have their individual rights recognised by state governments and courts, thus extending citizenship beyond the sphere of men. As well, these women citizens, like their male counterparts, were distinct for their roles in amending state law and participating in the negotiation of public affairs and political life.

Though workers and women struggled during the nineteenth and early twentieth centuries to gain the full rights and liberties of citizens, the status of racial minorities, most notably black people in the U.S., remained comparably inferior in terms of rights and freedoms until the mid-twentieth century. Despite state and federal legislation from 1790 and 1870, respectively, which allowed free black men with property to vote and generally enjoy all individual rights and liberties, it was not until the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 that black people, and other racial

minorities, in America could claim full citizenship. In addition to political exclusion, particularly in the southern U.S. states where black men and women were denied voting rights, racial segregation and violence were prevalent throughout the south, most notably in Birmingham, Alabama (Loevy 1990: 11 and 300). In response, organised groups of protesters, under the direction of Dr. Martin Luther King, Jr., began demonstrating against the blatant inequality in the laws and conventions that sought to exclude black people from having their individual rights recognised (Ibid). As a result, the Birmingham demonstrations and riots became a national concern in which all Americans learned first hand of "Southern white oppression of blacks", and subsequently demands "for legislative action began pouring into the White House and the Congress from across the country" (Ibid.: 15).

To be sure, however, the Birmingham protests (1963) were followed by a number of sit-ins, demonstrations and marches in other American cities and states, which effectively ensured that issues pertaining to racial segregation and exclusion were national political concerns (Ibid.: 21-3 and 62-3). Given this context of social unrest and civil disobedience, state and federal legislators had no choice but to address the grievances of black people with substantial legislation that would put an end to structural social and political racism. As such, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 officially declared the inclusion and equality of all black persons with respect to individual rights and citizenship (Ibid.: 332). Indeed, while it could be argued that the Birmingham demonstrations "created the national drive that put the law [Civil Rights Act] in the books", one cannot overlook the participation and activity within other

protests and public gatherings that sparked national and political awareness of the struggle for equal rights among black people (Ibid.: 335). Thus, we find the citizen in the mid-twentieth century distinct for his/her participation in the public sphere where (s)he is actively engaged in constitutional (legal) reform and the affirmation of individual rights and civil liberties.

The citizen we find following the revolutions of the eighteenth century, to be sure, did not follow as simple a course as told above. Indeed, despite what may have seemed like gradual attainment of citizenship by all workers, women, and racial minorities as wholly inclusive groups, these movements, instead, progressed by piecemeal. Suffrage for women in liberal democracies, for example Canada, did not immediately apply to all women, particularly those who had neither a personal nor familial affiliation with the military (Status of Women Canada 1979). Canadian women, moreover, had to wait two years after gaining the vote until they could sit in the national parliament (Ibid). Additionally, the concept of “stateless persons” was invented in the early twentieth century to describe racial, ethnic and national minorities whose citizenship was rejected by chosen states, or in other words, an individual with no state in which (s)he might be a citizen (Arendt 1973: 282 and Wallerstein 2003: 651). Thus, the struggle (and in some cases, ensuing conflict) for citizen status was continually renewed inter-nationally, wherein individuals were refused citizenship to a chosen state, and various others, by virtue of their national, racial and ethnic identities. Within certain liberal democracies, as well, individual rights, particularly political rights, and equality under the law were similarly denied to individuals based on nationality and ethnicity (Trimble & Arscott

2003: 103).

Citizenship has, no doubt, been gained piece by piece since the American and French revolutions introduced a newborn citizen who must be recognised first and foremost as an individual, who, barring extreme cases, has a right, nay, the potential to be a citizen. The struggle, to be certain, continues in our twenty-first century. We shall temporarily pause our story of the citizen here, however, not because there is no story left to tell, but because we have found our way to contemporary liberal democracies. Our path to this point has taken us on a journey from ancient Mesopotamia, to Greece, then Rome and into the modern age, where we found the pseudo-citizen in England and western Europe preparing a route by which the modern liberal citizen emerges in the American and French revolutions, which paved the way for the proliferation of individual rights and the pursuit of democratic equality in other liberal democratic states, particularly the U.S. In the next chapter, we will reflect on this story and extrapolate from it the patterns and similarities that have characterised the citizen through time and space. Additionally, we shall look more closely and critically at liberal democracies and the ways in which the principles and institutions of the state can either serve or hinder the defining characteristics of the citizen.

TABLE 2 : Citizens in modern history

	Treaties of Westphalia & English Civil Wars ¹		American & French Revolutions ²		Rise of Democracy – political, social and civil movements ³	
	(pseudo)Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens
Description	<ul style="list-style-type: none"> - Property owners - Members of parliament - Merchants, traders 	<ul style="list-style-type: none"> - Tenants - Women - Children - Monarchy 	<ul style="list-style-type: none"> - All free, reasonable adult men with property, mostly of Caucasian skin colour 	<ul style="list-style-type: none"> - Women - Children - Men without property - Non-white groups - Workers 	<ul style="list-style-type: none"> - Potentially all adult individuals within a nation-state 	<ul style="list-style-type: none"> - Children - Visitors
Duties	<ul style="list-style-type: none"> Pay taxes Serve military, either financially or physically Obey parliamentary laws Participate in parliamentary debate 	<ul style="list-style-type: none"> Pay duties and taxes (and rents) Obey code of laws 	<ul style="list-style-type: none"> Pay taxes Vote Observe laws Participate in public affairs Determine sphere for political activity 	<ul style="list-style-type: none"> Pay taxes Observe laws 	<ul style="list-style-type: none"> Pay taxes Vote Observe laws Conduct social and public behaviour according to a prescribed public order 	<ul style="list-style-type: none"> Pay duties and taxes Observe laws

¹ Information is gathered from the following works : *The Commonwealth of England 1641-1660*, edited by Charles Blitzer (1963); H. Neufeld (1971) *The International Protection of Private Creditors from the Treaties of Westphalia to the Congress of Vienna*; and Young & Holmes (1974) *The English Civil War: a military history of the three civil wars*.

² Compiled from Hannah Arendt (1965) *On Revolution*; Joan R. Gundersen (1987) "Independence, Citizenship, and the American Revolution" in *Signs*; Benjamin L. Oliver (1970) *The Rights of an American Citizen*; Lloyd L. Rudolph (1959) "The Eighteenth Century Mob in America and Europe" in *American Quarterly*; and Immanuel Wallerstein (2003) "Citizens All? Citizens Some! The Making of the citizen" in *Comparative Studies in Society and History*.

³ Drawn from Robert D. Loevy (1990) *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964*; John Markoff (2003) "Margins, Centers, and Democracy: The Paradigmatic History of Women's Suffrage" in *Signs*; Carl Swidorski (2003) "Political Science, The Labour Movement, and the Struggle for Freedom of Expression" in *New Political Science*; and Linda Trimble and Jane Arscott (2003) *Still Counting: Women in Politics Across Canada*.

TABLE 2... continued

	Treaties of Westphalia & English Civil Wars		American and French Revolutions		Rise of Democracy – political, social and civil movements	
	Citizens	Non-citizens	Citizens	Non-citizens	Citizens	Non-citizens
Privileges	<p>Determine laws and tax structure</p> <p>Constitute parliamentary sovereignty</p> <p>Free international mobility</p> <p>Protection under law and treaties</p>	<p>Enjoy some security under the law</p>	<p>Legal recognition and protection of declared inviolable individual rights</p> <p>Constitute national sovereignty – to be a constituent part of the legitimate power and authority of the nation-state</p>	<p>Limited recognition and protection under the law</p>	<p>Full recognition and protection of rights and liberties under the law</p> <p>Freedom to enjoy and uphold rights and liberties.</p> <p>Equality in status among all citizens</p>	<p>Limited, or otherwise different, recognition under the law</p>

SECTION II : A Reflection on the Citizen and Liberal Democracy

Chapter Three : Citizen Culture and the Legitimate State

Throughout our story, the citizen is one among many living in a specified community, governing it in cooperation with his/her peers (i.e. other citizens). The "many" include not only citizens, but also visitors, travelers, foreign residents, children, women, workers/labourers, and visible minorities. As we have read, the realm of citizens grew both quantitatively and qualitatively : in terms of quantity, the territorial borders of citizens' communities have expanded beyond the boundaries of city-states, though they remain moderate in relation to the extent of empires, where the citizen was in decline or altogether absent; moreover, the sheer number of persons included as citizen members in the community increased substantially, particularly following the late eighteenth century revolutions. With respect to quality, the expectations and activities of citizens throughout history have grown, shrunk, disappeared and reappeared, but their most crucial elements - the foundational principles - have endured a long maturation process, which will be described within this chapter. These principles and the defining characteristics of the citizen, moreover, will be shown to have a symbiotic and mutually beneficial relation, at least partially, with the legitimacy of the state, in general, and liberal democracies, in particular. As such, later in this section, the extent to which contemporary liberal democratic state governments engage with the citizen will be briefly explored.

By the twenty-first century, the citizen cannot be distinguished in terms of sex, skin-colour, socioeconomic position or family heritage. But, certainly, the distinct status of

the citizen has not receded or been undermined by the quantitative extension of citizenship to include others beyond white native-born men who own property. Indeed, throughout our story, certain characteristics pertaining to the citizen have consistently distinguished him/her from non-citizens; they include uncoerced and active participation in community affairs, observance of community laws, rules and conventions, enjoyment of some degree of state/community protection, and relative equality among all citizens. We shall examine these four attributes as they evolved within the citizen's past, and furthermore, the principles on which they are ultimately grounded. As such, we will then be able to determine the extent to which these characteristics and principles contribute to the legitimacy of the public community, and how they are incorporated into the relation between citizens and liberal democracies.

Defining Characteristics and Principles in the Citizen's Story

It seems somewhat tautological to claim that the citizen in ancient history was he who engaged in public community affairs, for it is our modern English noun "citizen" that is used to identify the ancient *alun*, *politai*, and *civitas* whose primary distinction, as suggested by their corresponding terms, could be nothing else but relative to the community - *puhrum*, *polis*, *civitas*. Ancient "citizens" were specifically and exclusively affiliated with their city, which, indeed distinguished them from all others, particularly others residing in the city. This distinction was manifest not so much in terms of rights and duties, for non-citizens shared many of the same burdens and privileges, but rather citizens were specifically those members of the city who determined the content and form

of public affairs. The activities associated with ancient citizens' assemblies involved engaging in the creation, reform, debate and judgment of community laws, under which all city residents, citizens and non-citizens alike, were governed. Until the decline of the Roman empire, and the subsequent decline of citizenship, citizens were those whose collective activity provided the structure and standards for interactions within the city and its external relations.

Similarly, the citizens emerging from and following the American and French revolutions are distinct not necessarily for their relation to the city, though cities were primary locales for revolutionary activity, but instead it is their engagement in reforming, negotiating and determining the laws and institutions of the nation-state, in comparison to the city-state, that distinguishes citizens in the modern age. The nation-state, quite clearly, differs enormously from the city-state, at the very least, in terms of territory and population. Despite their differences, citizens of both share the common characteristic of having authority in deciding structures, rules and methods for governing a given territory with a substantial population. The idea that citizens were self-governing people was not new to modern nation-states; it was the ideal emerging from the late eighteenth century that all individuals were potentially citizens that was particularly revolutionary. Though not all individuals were initially deemed worthy of citizenship, what consistently set citizens apart from all others was their access to and potential within public affairs, and thus self-governance. In liberal societies, public issues often concerned property and domestic and foreign economics; for instance tax structures, property law, and trade relations treaties remain predominant issues in public affairs and state policy. The democratic addition to

the liberal state ushered in new waves of citizens who engaged in re-interpreting the principles of governance and re-negotiating the very terms of citizenship, doing so in the name of individual rights. The entrenchment of democracy into liberal society has created a situation in which, for all intents and purposes, each and every adult individual is equally endowed with certain inalienable rights and liberties, some of which most certainly reach beyond the realm of property rights to embrace political, social and civil rights. The democratic movements for political, legal and social reform within liberal states have been guided by that revolutionary ideal which claims all individuals have the potential and the right, for the sake of being human, to wield authority in some manner within the state's political community. We shall see further along the ways in which liberal democratic state governments accommodate and interact with this defining characteristic of the citizen. For now, it is sufficient to identify this first defining attribute of the citizen as participation in some form of self-government in which citizen peers determine rules and order which are binding throughout the community - city- or nation-state.

The second persistent, though not entirely distinctive, characteristic of citizens is their observance of the laws of the community, which they themselves had debated and created. Obeying a code of law and behaving within state-sanctioned bounds, to be sure, is not a duty reserved for only citizens. Our story pointed to many cases in which various groups having no authority in public or legal affairs were subject to duties, including paying taxes, serving in the military, and generally complying with an external set of laws. Though these groups were obliged (compelled, coerced) to observe laws, they

could not be said to have been citizens for they were restricted from, or otherwise absent in, participating in the deliberation and establishment of those laws. Nevertheless, while the law within a given state applies to everyone, whether as a subject or an object, the expectations upon citizens to obey those laws is especially high for they were the creators, and primary agents, of those public institutions.

Moreover, in upholding the law, citizens are especially advantaged in terms of having, in principle, full access to the legal institutions of the state, including protection from varying forms of legal and social abuse. This privilege constitutes the third defining characteristic of citizens. Although certain legal rights and protections are afforded to non-citizens, citizens enjoy relatively privileged status in terms of personal rights and liberties. Not only have citizens had an advantage with respect to security of property, they have also enjoyed fair representation and peer judgment in the courts system. Indeed, where we find citizens creating and observing the laws that govern a community, we shall also find those laws to hold citizens in relatively high esteem, though not so high as to surpass the collective authority of the law, but high enough so as to recognise a certain dignity, and thereby authority, in all citizens. Citizens enact protective public measures in order to ensure security both within the general community and for themselves. From ancient Athens to the American civil rights movements in the twentieth century, citizens have passed and enforced legislation that specifically protected their interests in coordination with the state and community. While non-citizens enjoy a limited degree of protection under the law, citizens are characterised by their comparably full security in the eyes of that same law.

This brings us to the fourth defining attribute of citizens : equality among peers. Though it may seem that the principle of equality explicitly and formally emerged with the late eighteenth century revolutions, it is also one that can be inferred from ancient history. Given the three earlier characteristics of citizens - participation (with respect to creating and reforming laws) in the public realm (community), obedience to a certain code of laws and standards of behaviour, and enjoyment of full protection under law - it is implicit that these attributes are embodied equally among all citizen peers. Despite the numerous examples we can find of unequal treatment of certain groups and individuals within the state and its laws, citizens are consistently found distinguished from these other groups particularly in terms of their relatively unrestricted access to public institutions and security under the law, as well as their inclusion in a franchise that recognises the legal and political equality of citizens. In ancient Babylonia, Athens and Rome, citizens, while certainly superior to other social groups, were equals among each other in terms of their status and potential in the community and public life. Similarly, this notion of equality was unambiguously expressed among modern citizens, who drew partially from the idea of sovereignty a basis upon which all individuals were conceived to be equal, and the status of citizen, involving those three distinct characteristics, simply reflected and affirmed that equality within the formal institutions of the state. In this regard, then, the standard of equality among all citizens, but not always all social groups and individuals, is the fourth and final defining element drawn from our story. It is, moreover, a foundational principle of citizenship.

In order to draw principles from these four characteristics that consistently describe citizens in ancient and modern history, it is imperative that we explore more deeply the citizen's realm of activity. As mentioned above, the observance of laws and protection from arbitrary indignities were aspects common not only to citizens, but many non-citizen groups as well. Moreover, these characteristics require no creative quality in the sense that citizens can simply comply with law and receive protection without necessarily having to engage with the system in which those legal standards originated. Indeed, the quintessential activity of citizens takes some form of participation in the community's public life. While distinctions can be made regarding the kinds of activity that are characteristic of citizens, most notably the prevalent confusion with, and substitution of, "making for acting" in public affairs as pointed out by Hannah Arendt (1998: 229), it is important for our purposes to consider the citizen's active life as distinguished primarily from other social (but non-citizen) activities. In this respect, the first defining attribute of the citizen - contributing to the creation, reform, enforcement and judgment of (self)governing laws of the community - serves as the basic form of activity in terms of citizenship.

Ultimately, then, in addition to the underlying principle and characteristic of equality, citizens' activity is grounded in freedom. Where we find citizens, they have free access to public power and authority within their community (state). Indeed, the citizen's realm has always been that of freedom, particularly with respect to political activity. While subjects must promise allegiance and monarchs must hold prerogative power, citizens must be free. Like subjects, monarchs, rulers and ruled, citizens are distinctly political

beings. That is to say, citizens require some form of political community in which to be free; similarly, subjects and monarch require a political community to which allegiance must be pledged and in which power can be wielded, respectively. The citizen's freedom is not simply the liberty to do as one pleases or the absence of opposing forces, although these are components of it. Rather, citizens are particularly free to choose from among multiple venues for political and public action in which to participate. In actively choosing and participating in public affairs, citizens must also be prepared to discuss, debate, compromise and determine the peripheries, forms and functions of their public order. The scope of public action includes not only the formation and implementation of government policy, and peaceful protest and demonstration, but also the activities and efforts of a dense network of groups and associations committed to improving or justifying the public order. Wherever and whenever people have gathered to discuss and determine the boundaries and content of public issues, there we have found citizens creating a political venue for the community. Thus, not only are citizens free to choose from among venues for civic participation, they are free to create them, and their rules, as well.

Moreover, this freedom, which governs the activities of citizens, has come to be understood as positive or developmental freedom, as distinct from the freedom associated with more passive attributes, including observing law and receiving state protection, which we will cover in a moment (Berlin 1969 and Macpherson 1973). Though Isaiah Berlin composes a thesis in which positive liberty is largely unsustainable as it runs the risk of devouring a certain degree of freedom, his basic claim that positive liberty is "the

wish on the part of the individual to be his own master" is useful in conceptualising this active freedom of citizens (1969: 131). C. B. Macpherson, expressing the crucial nature of this liberty has re-named it "developmental liberty" for its role in establishing the premise upon which citizens act within public life; it is "the ability to live in accordance with one's own conscious purposes, to act and decide for oneself rather than to be acted upon and decided for by others" (1973: 109). To be certain, this active freedom is not identical to self-mastery or self-rule, for it concerns the community as a whole rather than personal self-direction. Hence, the activities associated with citizen status demonstrate the distinct freedom to become a constituent member of the state. The active and participatory feature of citizens, therefore, is rooted in the specific freedom to act, with relative autonomy and agency, in the service of public life and the creation of public venues.

In embracing and affirming their freedom to act, citizens have established certain restrictions, privileges and standards, which give shape to a public order that prevails throughout the community. Public order, whether manifest in formal institutions such as public law courts or informally as in social norms of behaviour, was meant to provide collective security and trust within the state. This, at the very least, would provide some domestic stability in which daily life could continue. To do this requires explicit articulation of the limits to public life and daily social activity. As such, citizens have negotiated those limits to the extent that they have determined the scope for aberrant and unacceptable behaviour through court trials, parliamentary assemblies, and democratic movements, among other means of debate and reform. What is ultimately expressed is

the idea of negative or counter-extractive freedom (Berlin 1969 and Macpherson 1973), which corresponds to the "passive" citizen attributes wherein one is protected by law so long as one observes it.

Our story reveals that the extent to which activity was restricted, whether it was political, social or legal in nature, was not only determined by citizens, but its goal was the legal recognition and protection that all citizens shared. As such, codes of law and institutional norms provide a framework for defining in what ways citizens are free from coercive and obstructive interactions within the state. According to Berlin, this is a form of negative liberty, with which citizens and others enjoy, to a certain degree, an "absence of interference" from arbitrary and intentional abuses (1969: 127). His, to be sure, is an expansive conception with a far too parsimonious division between negative and positive liberty. Macpherson offers a more focused understanding of the broad scope of this freedom from coercion and interference in identifying it with the "immunity from the extractive power of others (including the state)" (1973: 118). Thus, with regard to their recognition and protection by the state and observance of laws, citizens have consistently pursued the process of defining the realm and scope for counter-extractive liberty in which they desire to live, and with which all residents of the community are obliged to comply. Citizens, therefore, cultivate a sense of freedom in relation with other fellow citizens. While this could simply mean granting others the freedom from one's own potential assault and terrorising (and certainly this negative aspect of freedom – freedom from outside dominance and force – as we have just reviewed, is a feature of citizens' freedom), it is imperative that citizens also develop a sense of their creative or positive

freedom to build and renew public order.

These two principle freedoms associated with the first three characteristics of citizens can be sufficiently understood as active and passive freedoms, for the former is manifest in the freedom to participate, while the latter exists as the institutionalisation of freedom and protection from exploitative or otherwise abusive treatment. With respect to both freedoms, and the activities and rules that emerge therein, citizens are equal in terms of their (privileged) endowment of status and potential. These freedoms, along with the principle of equality, lend legitimacy to the state community and its structures and laws. Before closely examining the possibilities and whereabouts of citizens within our twenty-first century liberal democracies, armed with the knowledge that citizens are those who are free, active and equal members in some state community, we shall determine further the ways in which legitimacy is drawn from the freedom and equality of citizens in the first place.

Citizens and the Legitimacy of the State/Community

It is worth noting the etymological roots of the word "legitimate", which is essentially derived from the Latin *lex* (*legibus* in the genitive case), meaning law. Thus, legitimacy, namely that belonging to state and government, may indeed have something to do with state laws. And, as we have seen, citizens, as well, have deep associations with the creation and observance of law. To be sure, citizens, before and after the Roman republic and the proliferation of a standardised Latin language, were deeply related to the

legitimacy of the community's governing systems and laws. In fact, free and equal participation in public affairs will be shown to demonstrate the citizen's capacity to create legitimacy within state communities. In order to do this, we must clearly make the links among citizens, their interaction with state law and the legitimacy of the state.

The modern era and the emergence of the idea of national sovereignty, or alternatively sovereignty of the people, are especially significant not only in explicitly articulating a conception of the citizen's role in state legitimacy, but also in terms of creating a stage suitable for the development of liberal democracies. The modern conception of legitimacy may differ from its ancient counterpart in form, but with respect to substance they are, indeed, quite alike. In very basic terms, for both ancient and modern (liberal) citizens, the laws of a given state community were legitimate because they originated from their own agreement and consent. No doubt, our story of the citizen also includes those who challenged the legitimacy of laws and ultimately contributed to the re-legitimation of the state. The substance of this legitimacy is nonetheless clear : state institutions and practices that govern community life are legitimate in the eyes of citizens under the condition that they were created through citizen participation. This is precisely the reason why citizens could be expected to abide by state laws, for these laws were essentially self-imposed rules and limitations, of which spanned a broad range so as to impose the least possible restrictions.

The modern era is exemplary in demonstrating how state legitimacy is practically inseparable from the activities of citizens. England's pseudo-citizens claimed

parliamentary sovereignty, which was understood to consist of power and authority that rivaled, but was not identical to, the monarchy's sovereignty derived from God. The idea of creating systems and structures of governance based on rules derived not from Godly or princely, but human authority had been absent for roughly a millennium, but it certainly was not new. Parliamentary sovereignty and the sovereignty of nation-states gave rise to a more general conception of sovereignty of the people. The sovereignty of the people was more legitimate than other forms of power and authority because, in principle, those subject under the law were identical to those responsible for creating, reforming, enforcing and judging the law. This formulation of sovereignty expressed most fully that legitimate power and authority, in terms of public affairs and law, are drawn from a franchise of citizens who are also subject to that law and accountable in public life. Sovereignty, to be sure, is not identical to freedom; the former relates to the independence and self-sufficiency of the nation-state (sometimes, just the nation), while the latter concerns citizens and their activities within the state and wider political community. Nevertheless, sovereignty of the people emerging in modern Europe triggered the firm entrenchment of citizenship, primarily characterised by public engagement and the principles of freedom and equality, into the legitimacy of state power and authority.

The revolutions of the late eighteenth century and the democratic movements that followed served to re-legitimise the state and its laws by applying the fundamental tenets of sovereignty of the people and individual rights to their struggle for equality. The state has effectively become increasingly legitimate by way of formerly marginalised and

peripheral groups affirming their role with respect to national state sovereignty by challenging and reforming state laws and other community regulations. The state, in other words, has gained greater legitimacy because the number of active citizens included in the state franchise has increased. Currently, we find ourselves in the twenty-first century wherein the growth of liberal democratic states has been guided by citizens, at least in terms of their characteristic activities and defining principles, so much so that citizens have a predominant presence in liberal democracies. Moreover, the sheer status of liberal democracies as the most legitimate form of government in current discourse reflects this significant link between citizens and state legitimacy.

So far in this chapter we reflected on our earlier story of the citizen, and drew from it the chief characteristics and principles that emerged from the citizen's journey. Generally speaking, citizens are those substantially participating in community affairs, observing state rules and laws, and enjoying legal protection from arbitrary and intentional damages; as well, these attributes and activities are governed by certain principles of freedom and equality, which ultimately serve the legitimacy of the governing institutions and laws of the state. The movements and events of the modern age have made this formulation of citizenship remarkably clear, particularly with the articulation of individual rights and the sovereignty of the people. The liberal democratic state, as we shall see in a moment, is especially attuned to accommodating citizens, namely in terms of their defining characteristics and principles for action; it is a state that is especially befitting of citizens, for the very principles on which liberal democracy is grounded are

those same elements which have governed all citizens throughout time : freedom and equality.

The Citizen in Contemporary Liberal Democracy

In many respects, liberal democracy is considerably fertile ground for the proliferation of citizen culture, in which state legitimacy is derived from citizens who are free and equal. In this sense, liberal democracy, with its emphasis on freedom and equality, is a state system particularly suited to the principles, activities and attributes of citizens. That the evolution of liberal democracies has involved the quantitative and qualitative extension of citizenship among most members of the political community has, indeed, had a profound influence on the institutions and practices of the nation-state. Given the sheer number of citizens within any liberal democracy, the state has had to formalise the general criteria for citizenship itself. Whereas our earlier story offered details on the arduous and incremental process of varying groups claiming citizenship, and the subsequent maturation of a certain political culture, the liberal democratic state has standardised, to the extent that it can, the very claim to citizenship without necessarily requiring the reformation and re-definition of laws and conventions, as predecessors from the seventeenth to twentieth centuries had done.

The liberal democratic state is one in which governments are largely responsible for the distribution of public goods (Macpherson 1965: 8). Again, the definition and distribution of public goods is legitimate insofar as citizens can continually challenge and renew that

legitimacy, while the legitimacy of the government is similarly deduced. Moreover, one primary public good which is deemed imperative to the existence of citizens and their nation-state is basic public order. As mentioned earlier, public order has much to do with determining a sphere in which citizens are free from interference and exploitation. In addition, public order includes formal institutions that not only protect and ensure the security of citizens and others, but also serve to accommodate the active freedom of citizens, while entrenching the equal status among all citizen members. In this respect, state governments provide a basic framework for outlining a general knowledge of public order for all individuals – potential and current citizens. This public order, as established and legitimised by citizens, can be understood as the basic realm for citizenship, wherein the least possible restrictions are imposed, the least burden of duties is required, and the easiest means through which citizens can act is articulated. Knowledge of this public order is the general criterion for citizenship, and it can be cultivated along political, social and cultural lines.

Indeed, a cursory perusal of the knowledge required of citizens within established and “advanced” liberal democracies, such as Canada, England and the U.S., reveals these basic political, social and cultural criteria in bold relief. The two types of citizens – naturalised and native - found in liberal democratic states derive their citizenship from formal state and national institutions that (a) provide knowledge of public order and the means through which one could acquire that knowledge, and (b) engage citizens in their public membership. Underlying these institutions are the principles of freedom and equality of citizens, which essentially serve to legitimise the nation-state. For native

citizens, liberal democratic state governments have established public education systems which provide civics and social studies, and other curricular aspects that offer an understanding of public order and the ways in which citizens might participate in public life. For naturalised citizens, governments have adopted standardised formulae with which to provide and assess knowledge of public order, in tandem with public schools, for the purpose of introducing individuals to a political culture of citizens. Though governments may differ in the form in which they provide a basic knowledge of public order, the general substance is rather clear.

Citizenship projects for naturalized and native citizens are different, but the same. One assumes the choice for political membership and its content is condensed and precise; the other assumes future political membership and is developmentally regimented to coincide with several years of schooling. But, underlying both projects are the basic sets of conventions, institutions, values and traditions that constitute public order, including, most importantly, a general conception of the citizen's role within that order. To gain a general picture of what lies merely at the surface of public order within liberal democratic states, it is sufficient to consider how their national governments present their basic criteria for citizenship.

Based on the information provided by citizenship and naturalisation departments in Canada (Citizenship and Immigration Canada), the United Kingdom (Immigration and Nationality Directorate, Home Office) and the United States (US Citizenship and Immigration Services), the project of citizenship includes general criteria concerning age,

residency, language, soundness of mind and body, and knowledge of national institutions and culture. These departments also encourage prospective citizens to review sample exams in order to gain a better understanding of what is expected in terms of not only successfully attaining full citizenship but also the conditions under which integration into public order is best achieved. To put it simply, citizenship tests are meant to assess one's knowledge of the country's political, social and cultural lay of the land. These sample tests (see Appendix I) serve as a guide for prospective citizens to follow as they pursue naturalisation. For the purposes of this paper, the questions included in these sample tests can be categorized in terms of their political, social and/or cultural relevance in constituting the most general knowledge of public order.

The political component of public order is presented in terms of the citizen's relation primarily with the government. The citizen is perceived as a member of the nation-state, which, according to liberal democratic tradition, embodies the predominant political community. As such, standard naturalisation sample tests and public schools curricula require a basic understanding and specific knowledge of the composition and practices of the national government, which is held as the centre of political life. Citizens must know how government institutions function, how to access them, and what concerns they deal with; they also require a formal understanding of legal and electoral procedures, and the separate and different branches of government. To be sure, while formal government institutions and practices are founded on principles of equality and freedom, the citizen's culture (and therefore his/her cultivation) involving those same principles is not limited to his/her direct relation with the government. Nevertheless, within liberal democratic

states, the political element of the citizen's knowledge of public order is particularly focused on government structures and practices. Moreover, knowledge of public order with respect to national state institutions offers citizens a basic framework in which to potentially participate in public affairs and build various legitimate communities wherein citizens can further interact. These communities, for example expansive networks of non-governmental organisations, are composed of citizens whose political activity is not directly related to the government, but rather through the demands made on behalf of these organizations, citizens are indirectly recognised by and engaged with governments for the achievement of public goals. As such liberal democratic governments present the political knowledge of public order in terms of the institutions they sponsor and by the ways in which citizens can participate through them.

Another realm of public order of which citizens are required to have a basic working knowledge is social in nature. In many respects, this social aspect of citizen cultivation depends on the political element mentioned above. Liberal democratic governments require citizens to find and develop a suitable role within the social order, which further requires recognising the existence of basic social institutions such as the economy, organised religion, health and welfare programs. For the most part, liberal democratic societies are governed by constitutions, which are associated with government-citizen relations and, as such, are covered in the political component of citizen cultivation. However, constitutions and the citizen's knowledge of rights, freedoms and laws are not sufficient in enabling citizens to actively contribute to the wider society. Public order relies on individuals (inhabitants, residents, visitors) maintaining a positive role within

society, a role that is, in other words, socially acceptable. Governments can provide and implement an understanding of citizens' full potential within society only to the extent that resources will allow. For instance, one's potential in and contribution to the national economy are considered, for both native and naturalised citizens as well as non-citizen residents and workers, fundamental attributes with which individuals sustain public order. Government-funded public education exists not only to make sense of political institutions, it also serves young people in determining and deciding on a future profession, trade or career, while developing the knowledge and skills relevant to the adult workforce. Conventionally, the voting age coincides with one's graduation from secondary school, after which the citizen is an adult with the capacity to work in society. Similarly, naturalised citizens are expected to have clear career and employment potential, as well as an understanding of basic economic practice, in order to integrate into the social (economic) sphere. This, in addition to certain formal rules and laws set out by governments, reflects the social, though not necessarily political, aspects of citizen cultivation for public order. Indeed, while governments cannot fully determine the roles within, and scope of, all society, they can (and do) instill an understanding of the individual's inalienable rights and liberties as they pertain to social activity. Thus, with respect to the social component inherent in public order, liberal democratic governments provide a basic knowledge of social conventions and practices, such as gender and ethnic equality and inalienable rights and freedoms, while encouraging, albeit to a limited extent, citizens' involvement in and integration into national society.

Underlying and buttressing both political and social aspects of liberal democratic projects

of citizen cultivation and the standard form of public order is a cultural component. Not only must citizens understand (and learn to challenge or appreciate) political institutions and procedures (e.g. representative government, voting, national constitution, rule of law, legal system) and social conventions and practices (e.g. free market economy, individual rights, freedom of religion and worship, welfare system), they must also undergo a cultural education, which further upholds the form and substance of public order. What may seem trivial knowledge to some is, in fact, a substantial adhesive that binds citizens to each other and to their polity, the nation-state. Basic knowledge of a country's geography, great debates and events in its history, and its national anthem provide common reference points to which all citizens can relate. This cultural education offers a basic set of values and symbols that supposedly represents the collective identity of citizens. The scope of public order, thus, becomes clearer such that the concept of nation-state is more specifically defined in terms of geographic boundaries and historical evolution, in addition to government and state institutions. This provides citizens with a shared and particular context in which to determine their activities and engagement within public life, and society in general. To be sure, national symbols and archetypes are encompassed within a larger culture that pervades liberal democracies, and undergirds the nation-state; it is the culture of citizens. The culture of public participation, freedom and equality cannot easily be instituted by state governments, though their efforts, namely the variety of institutions and practices that have been mentioned above, must be acknowledged. The political and social features of civic cultivation for public order are affirmed and enhanced by a national culture, which includes particular symbols and heritage, common and distinctive to all citizens.

Having drawn the thematic characteristics and principles of citizens from our story earlier, we have come to understand how, and to what extent, contemporary liberal democratic states are especially accommodating of citizens, and subsequently how their legitimacy has been maintained and renewed throughout successive generations. Indeed, from the eighteenth century onwards, citizens have been active in the evolution of liberal democratic nation-states to such a degree that government institutions have been established (legitimised and re-legitimised) to uphold and ensure the integrity of citizens, as well as individuals. At the most standard and formal level, state governments can provide a general understanding (and affirmation) of public order in ensuring that citizens are equipped to participate in and contribute to public and social life. This state provision of public order is manifest in political, social and cultural institutions, conventions and practices. Ultimately, however, the public order within liberal democracies is a byproduct of a culture of citizens in which participation in public life and the principles of freedom and equality serve as the groundwork for government initiatives and projects pertaining to public order.

This relation between liberal democratic states and citizens is certainly one that seems nearly flawless. But this benign, or alternatively, mutually reinforcing relation does not fully exist as such. Despite the institutionalisation of free and equal national citizenship, liberal democracies are not altogether immune from anti-political forces that compel the gradual erosion of public order and public life. We shall see in the next section how liberal democracies, indeed, have a particular tendency towards excessive

bureaucratisation and corporate conglomeration, most notably in terms of communication, which undermines the culture and status of citizens. The legitimacy of the state government, therefore, is put into doubt, for the origin of power and authority – the people – no longer resembles a nation of citizens, but instead, a collective of anonymous individuals (clients, consumers) who are professionally served and managed. It will also be shown, however, that these vulnerabilities are not insurmountable challenges, and they can be overcome by citizens. The example of the GNU General Public License will be used to demonstrate most clearly how the culture of citizens in liberal democracies can prevail in the face of bureaucracy and corporate oligopolies.

SECTION III : Our Story Continues in the Twenty-First Century

Chapter Four : Citizen Culture & Vulnerabilities of Liberal Democracy

Because liberal democratic governments must do what they can in order to sustain some acceptable form of public order, their relations with citizens have become increasingly formalised in various institutions, as discussed in the last chapter. Given the number of citizens and responsibilities associated with government, it has become necessary to itemise, catalogue and essentially systematise the bulk of citizen-government relations within these institutions.

The state, as we shall see, has become the highly bureaucratised structure wherein citizens must be regarded as the *de facto* rulers while their power resides in the routines of administration. Economic social relations have been especially pertinent in proving the technical superiority of bureaucracy over other forms of social organisation. The bureaucratic structure has been particularly relevant to the "money economy", or alternatively the "capitalist market economy" (Weber 1967: 204 and Macpherson 1965: 7). Bureaucratic organisations essentially make most, if not all, social interactions formal and predictable. In the rhetoric of scientific engineering, bureaucratic processes lend themselves to efficiency and rationality. In other words, they are "calculable" and "without regard for persons" (Weber 1967: 215). Indeed, an efficiently functioning administrative bureaucracy, whose processes ignore the humanness of its officials and clients, enhances the performance of economic systems by creating standards for predictable and rational interactions. Similarly, to the extent that governments can foster

public order, formal symbols, institutions and procedures have become firmly established and highly standardised for the purpose of applying equally to all individuals and citizens.

The characteristics of bureaucracy - calculability, efficiency, and predictability - enhance the ability of governments and others to manage public and social affairs, and prevent erratic or extreme incidents. When the state must interact equitably with all citizens and/or residents, the advantages of bureaucracy, namely efficiency and expediency, become apparent. Thus, in liberal democracies, where the negotiation and delivery of public goods, namely public order, accounts for much of state-citizen interaction, the state adopts bureaucratic processes to ensure equitable and efficient treatment to all citizens.

The relationship between bureaucracy and democracy, however, is inherently incompatible. In guaranteeing equality through efficient and formal administration, the state bureaucracy attempts to "level the governed" (Weber 1967: 226). Within liberal democracies, to be certain, citizens are not only equal before and under the law, their equality in terms of rights and freedoms entitles them nearly free reign over their political and social activities as well. Indeed, the citizen found following the American and French revolutions was increasingly distinct for his/her claim to the individual dignities and rights that current and previous citizens enjoyed. Particularly within the democratic (equality) movements after the eighteenth century, the political sphere (of the nation-state) and the laws and systems that govern it were faced with ever more diversity and

plurality among the citizenry. The reality that has emerged from this democratic principle lies in stark contrast to the perceived primacy of technical bureaucratic expertise. In determining and making available acceptable modes and spheres of political action, the state bureaucracy effectively restricts the full activity of citizens to predictable and calculable affairs, thus also limiting individual freedom. Because democratic citizens must confine their political and civil activities within the framework as articulated by the bureaucracy, which enjoys a monopoly on technical knowledge and unquestionable expertise, liberal democratic governments are not fully equipped to uphold individual freedom.

From the bureaucratic view, citizens are foremost equal in terms of their status and the access it gives them to state institutions; the freedom and political capacity of citizens is secondary. Because liberal democratic governments have adopted bureaucratic systems to manage most political and social institutions due to the necessity of sheer numbers, the attribute of public participation and the principle of freedom diminish in importance, which significantly alters the growth and renewal of citizens' culture. Moreover, the technical superiority that is characteristic of administrative bureaucracies lends itself to the permanence of bureaucratic structures within democracy. The bureaucracy is increasingly perceived as a tool or "instrument for 'societalizing' relations of power" (Ibid.: 228). In this respect, state-citizen relations become fixed and predictable. As such, "bureaucracy has been and is a power instrument of the first order - for the one who controls the bureaucratic apparatus" (Ibid). That is to say, while the bureaucracy within a liberal democratic society wields its own type of power, wherein the forms and means of

social and political activity are dictated to citizens, it also serves to buttress the claim to political power of the ruling party, or dominant liberal class, who participate in government affairs, but also take part in controlling and operating other social and economic organisations.

Indeed, one can speak of a group of supposedly representative citizens who are chosen by other citizens for their various aptitudes in ordering and guiding government bureaucracies towards public goals, such as the distribution of public goods.

Representatives are needed to act in place of all citizens, who are simply too numerous for governments to fully engage and accommodate. Increasingly, the relation between the state and citizens is restricted to those institutions that provide goods and services (Ortega 2004: 215); that is, the very basic political, social and cultural components of public order are regarded as the full scope of citizenship, no more or less. Liberal democracies, with their tendency towards bureaucratisation and professionalism, therefore, isolate and limit the citizens' role within a political sphere derived primarily from state government, and not citizen culture. The results of government activity are predictable, for policies are determined by professional advisors and consultants with certain expertise in both private and public sectors.

This political sphere is largely dominated by government structures and laws, which to be sure have their origins in the development of liberal and democratic societies. As such, certain conventions and practices have been established within this political sphere that serve to uphold existing institutions of public order, and in doing so, have further

entrenched certain manifestations of liberal and democratic inspiration. With respect to democratic and legal equality, we have seen how bureaucracies are deemed suitable in fostering equality and efficiency, while simultaneously diminishing the significance of citizens' participation and freedom by narrowing the scope of political activity.

Similarly, particular tenets that have guided liberal societies and states throughout modern history are found firmly established in state government institutions. Distinctions between, and protections for, private and public property are framed by liberal mores in terms of individual advantage. The importance of individual rights and freedoms is made clear in numerous pieces of legislation in all liberal democratic countries. The freedom of speech within the context of public discussion and broadcast media has become particularly contentious given that every aspect involved in mass communications, including those mediating government-citizen relations, can be privately or publicly owned. The content, distribution, physical design and general use of airspace and communications technologies (and derivative technologies) are subject to legal precedents, more recently emerging at the international level (see *World Intellectual Property Organization* and the discussion on Trade Related Intellectual Property Rights at the *World Trade Organization*). These conventions, we shall see, further discourage the growth of citizen culture in liberal democracies.

With respect to citizens' distinct participatory role in public life, it was posited earlier that active freedom is required as a condition for which citizens could actually contribute to public affairs. Encompassed within this freedom is "free discussion" insofar as the public sphere emerges as a result of "a process of discussion in which the citizens' different

perspectives, interests, and conceptions" shape community affairs (Ortega 2004: 210, 212). Citizens, traditionally and culturally, are free to speak and debate publicly towards determining the rights and procedures involved in their political membership. The communications media of citizens has included face-to-face debates and assemblies, official and unofficial documentation of activities, laws and deliberations, and means through which to make publicly known to all society the political and social rules for the community. For citizens in ancient history, the communications media was powered by human activity more than anything else. Messages could only be sent and received to the extent that those communicating could be connected primarily through the physical efforts of human beings, and their trained animals and primitive tools. This compared to our contemporary communications media that relies on intricate and complex networks of humans and machines to manage the movement of increasing volumes of messages, information and data.

Liberal democracies, and liberal states in particular, emerged within a context of unprecedented accomplishments in, and potential for, communications media. From the printed and published word to digitally re-formatted works of art, these creative and original ideas, which could potentially benefit the state, were given property status that recognised private ownership. As a matter of course, this is not unique to the liberal state. We can recall the early formalisation of an intellectual property rights regime that granted full patent protection to those inventors whose ideas would ultimately serve the state's advantage in early modern Venice and Florence. The concept of owning and protecting ideas and designs was taken one huge step further with the rise of individual

(property) rights as a liberal principle. Publishing a written work, in the context of a free market economy, has the potential of creating great wealth; in the context of the political sphere, it has the potential to mediate between and among citizens and governments.

Because the diversity and complexity of modern communications media is equal to that of citizens' plurality, state governments are compelled to bureaucratised media affairs and citizen-state communication to the extent that resources will allow, and restrict themselves in relation to other social (individual and economic) forces, which serve in determining the scope and functions of (public) communications media. Because public media has required the construction of various systems of physical infrastructure as well as networks of people creating, distributing and receiving compositions and messages, its construction and maintenance have relied on capital investment. As such, economic forces have catalysed the emergence of conglomerate media organisations in which capital and the majority of form and content inherent in the contemporary act of communicating is concentrated, protected and owned as private property (Herman & Chomsky 1988: 4-5 and Barber 1995: 138). In this respect, not only does this present a possibility for the mediation between citizens and the state to be distorted (Ortega 2004: 216), but also that the very realm of "free discussion" may be sacrificed for the primacy of intellectual property rights pertaining to communications media.

The modern history of communications media in regard to its role and status *vis-à-vis* state governments has developed within a framework in which intellectual property rights are dominant. As such, property owners of various media engage with state and

government institutions to negotiate the limits and possible restrictions of those rights. One need only look so far as the ownership of mainstream, public daily, weekly and monthly publications and broadcasts to know well enough that this media-as-property belongs to entities much larger and more economically powerful than single individuals and local community groups (Herman & Chomsky 1988: 4-5; Chomsky 1989: 21 and Barber 1995: 139). These entities, though they are neither citizens nor individuals, enjoy many of the rights and liberties, namely those pertaining to property, that citizens claim as well. Hence emerges veritable oligopolies that have dominated the bulk of communications media, for greater profits are earned when various economic interactions and transactions are under the direction of one parent company and property rights have secured their investments and interests (Herman & Chomsky 1988: 14 and Barber 1995: 139-43). Moreover, this has dramatically limited the sphere in which citizens can participate in and contribute to the free discussion that characterises public life.

Though it may have, indeed, cost millions of dollars to construct the communications infrastructure of past decades, it is worth remembering that taxpayers and citizens were substantial investors in many of those ventures (Herman & Chomsky 1988: 22 and Bennahum 1996). In our contemporary digital age we are ushered into a world of communications in which citizens' access to free discussion and public speech is beginning to clearly clash with conventional liberal conceptions of property ownership, namely publication copyright, patents, public broadcast rights, and intellectual property. Conglomerates emerged as the owners and operators of public mainstream media, and given earlier limits on technology, these owners and operators were responsible for

physically maintaining and feeding communications networks with content. To be sure, public spaces within mainstream media have persisted despite media conglomeration, but mainly to the extent that governments have been able to negotiate agreement between citizens and corporate entities (Barber 1995: 148-9). Nevertheless, the technological advances in our digital age have presented us with a "virtual" realm in which individuals and citizens are finding that they, too, can own, operate, maintain and manage substantial "property", including content, in order to shape communications media, thus potentially laying claim to a greater public sphere for free discussion and corresponding participation.

While some might posit that political public space is diminishing altogether as a result of its establishing "headquarters in the communications media" (Ortega 2004: 215), it will be argued below that in our technological (digital/information) age, citizens and individuals are introduced into an entirely new dimension through which free speech, free discussion, and other characteristics of citizen culture might flourish. In this regard, the tendencies of liberal democracies towards bureaucratisation and economic conglomerations, pertaining especially to their effects on citizens' free discussion, and communications media more generally, can be overcome, and the public space need not diminish in scope, size or meaning. In the following part of this chapter, we will discover citizens in the twenty-first century succeeding the obstacles of bureaucratisation and legitimately challenging certain property rights ideology in order to define and claim a space for participation, freedom and equality.

The Liberal Democratic Citizen in the Twenty-First Century

We shall continue our story of the citizen in this twenty-first century, into which the world consciously and cautiously entered with the potential of a "Y2K crisis". It may have been exaggerated, but its symbolism is, perhaps, much more subtle and nuanced. On the one hand, digital technologies - computers - are nearly everywhere in advanced liberal democracies, improving and enhancing various human capacities, while users have established a certain degree of reliance on those technologies. On the other hand, many of these technologies remain largely unknown and mysterious to their users. The fear of Y2K implicitly acknowledged this double-edged sword - that widespread source code system failure (i.e. computer failure) could dramatically shock most aspects of daily and social life, while users faced the difficult challenge of facing a Y2K or similar crisis with little or no knowledge became frighteningly clear. In other words, what emerged in the later twentieth century and became indisputably apparent with the Y2K consciousness anticipating the year 2000 was an increasing dependence on digital technology, whose usefulness was restricted to the extent to which somebody, anybody, could access and understand source code, or the computer-human operating language.

This is one new aspect of the digital age. With televisions, radios and books, users could not fully possess content, but the machinery and its functioning parts belonged to users/owners, who could know and come to understand functional design specifics in order to alter or modify their technologies. In this respect, there could be no fear of a Y2K crisis, for users after having identified an imminent machine failure could either fix

it themselves, or alternatively, find a local "handy" person to prevent or alleviate the problem. Though it may indeed be difficult to decipher all the functioning parts of a television or telephone, one's inability to do so is not due to any restrictions from knowing how the machine works. With non-digital communications, while corporate conglomerates have a veritable oligopoly on media content and infrastructure, personal users have enjoyed a small part in the proprietorship of their media networks; in owning a personal communications device, users are in control of how their machines are used and operated. Though content may not directly be in their hands, users of past, non-digital technologies were full and complete "owners" of all the functions and parts of their consumer devices, in which case they were privy to the knowledge and original design of the machine's operation.

In digital communications media, however, source code straddles the boundary between content and function. In one respect, it exists as part of the written and creative content of messages, images and sounds that are communicated through digital media; in another respect, it has the predominant function of providing users with an interface with which to use their media devices. To understand this better, it is helpful to review the basic elements of computer systems engineering, namely software programs, source code, and machine code. Programs, such as word processors, web browsers or cellular phone interfaces are, simply speaking, recipes "with commands to tell the computer what to do in order to carry out certain tasks" (Buckman & Gay 2002: 3). Today, most computer users are necessarily familiar with the interface of programs, for software allows laypeople, not just hackers and computer scientists, to harness the computational and

practical powers of computers and digital media. “A program usually starts out as source code” (Ibid), which ultimately embodies the initial and primary commands the computer must execute in order for software to be useable. Programmers have traditionally been those who write source code, in varying programming languages, in order to create/produce functional software. From there, source code relies on compilers, another set of programs, to translate its basic program into machine code, or “the most basic representation known as binary” (Ibid). Ultimately, computers execute the commands of programs and users through reference to data that is “made up of a series of 0-or-1 values” (Ibid). By sending and receiving on/off and yes/no signals, machine code is, therefore, clearly the functional language that makes computers work. But, for “any interesting program” to be written, binary code is entirely impractical given the complexity and volume of binary data for even small programs (Ibid). Source code has made possible the ever-expanding horizon of computer technology by providing greater accessibility to the refinement of binary machine code. In other words, the binary data that computers recognise can be created and variously manipulated through written source code, as long as there are compilers and assemblers to translate the program into machine code. Popular languages for source code include C, Java, C++, Perl, and Python (Ibid.: 4). What is unique about source code is its manifestation as written work, which also happens to serve as a rudimentary function of the computer device. Without source code, there could be no complex or “interesting” software of any kind, and therefore no possibility for digital technologies within the realm of communications and beyond.

Computer programs, and the languages in which they are written, therefore, are

fundamental components for which meaningful digital media is even conceivable. As such, past and current "leaders" in the communications and media industries (Herman & Chomsky 1988: xi) have sought experts and professionals in order to take a lead once again in the realm of digital media. In addition, new corporate entities have emerged claiming explicit ownership of source code, particularly as content or written work. In both cases, certain conventional practices with respect to property rights have simply continued. This new and previously unknown component of communications media - source code - has come to be understood as intellectual property, namely within the scope of content and copyright. This ultimately means that users of digital communications technology are no longer able to access the means or knowledge required to fully operate their media devices.

The conception of source code primarily as content is a by-product of a property rights regime that has allowed the concentration of content ownership among the relative few. Although it serves the purpose of functional design, many have argued that source code is a creative, individual work (or idea) whose reproduction ought to be controlled by the terms and conditions defined by its creator/producer. As such, software and source code have come to be understood conventionally as intellectual property under the protection of copyright, rather than patent. The *United States v. Microsoft* case in 2001 provides a startlingly clear example of how source code and software can be rather ambiguous in terms of defining content from function. Microsoft controls, and restricts access to, both an operating system (Windows®) and a series of applications, including Internet Explorer®, Encarta®, Excel® and Entourage® (DeLanda 2001: 96). The operating

system – the chief program which “handles input and output, memory allocation, and task scheduling” (Buckman & Gay 2002: 4) – is the functional core of the computer-user interface. For the Microsoft corporation, however, the Windows operating system and its source code and programs is understood not only as copyrighted material, but also private intellectual property to which access is limited or altogether restricted.

Indeed, this is why the idea of a Y2K crisis was so disturbing - that our digital communications technologies, particularly the source code that operates all digital machinery, were functionally under the control of their original creators and programmers; not users, but software companies became the only "handy" people who were privy to the expertise required for repairing (or "debugging") these machines. Under copyright, creators of software need only reveal parts of source code that suit their interests, despite that those parts are integral functional components of the machine's operation. As a result, users of digital media devices (e.g. the general public in advanced liberal democracies) no longer have full use of their tools for communication as they once did. The source code required to fully operate communications devices has become unavailable to the user in any functional way. Even those with the general know-how to modify or reprogram code often cannot do so because the actual program of code is unavailable and unattainable as per copyright. In functional terms, the design specifications remain secret.

Because tools of communication have traditionally enhanced citizens' realm for free discussion, digital technologies have, not surprisingly, become a topic of legitimate

political concern. Digital communications have enabled previously inconceivable communities to form a myriad of networks equal in importance to those formed through non-digital and face-to-face communications. This is undoubtedly another entirely new dimension that has characterised the digital age. One community in particular has emerged in which citizen culture is profoundly evident. It is the free software community who has actively affirmed principles of freedom and equality as they are applicable to digital communications. In so doing, they have reinforced a culture conducive to free discussion as well as the general principles of liberal democracy.

As discussed earlier, although the majority of individuals within a nation-state can be considered citizens, their roles and activities in relation to governments (the presumed locus for political/public action) are generally of standard institutional and bureaucratic form. Despite increasing diversity and plurality among citizens, their formal activities are made increasingly uniform and manageable. Thus, the nation-state associated with liberal democracy is limited in providing an adequate context in which to find citizens, for their government institutions effectively restrict the growth of citizen culture. In this twenty-first century, standing on the shoulders of the liberal democratic nation-state, has risen a new sphere for citizen activity that is potentially unfettered and open, that is free and equal. The affect digital technology has had on citizens' communication has indeed been breathtaking. From the formal relation between governments and citizens, to more informal debates and activities among citizens, digital communications technologies have brought with them the opportunity of building communities and networks that were previously unimaginable. If we understand the digital age as one that has introduced a

new realm for social interaction and social organisation, then we might very well find citizens within that realm who are identified not with the nation-state or government, but rather by their participation in the governance and law-making of a given community in which the principles of citizens' freedom and equality are utmost.

The digital era, for all intents and purposes, relies on source code, which is written by programmers. It is their software that makes possible any meaningful communication through digital media. Software companies, along with telecommunications and media firms, can determine the function, access, availability and content of digital tools of communication. Though the tendency towards corporate control of software (and source code) finds legal precedent in copyright (intellectual property) law, however, many programmers, and non-programmers, are actively challenging and redefining that particular rights ideology that protects the right of creators to restrict access to functional components of their code. If software is a necessary component for digital communications devices to function, the knowledge of its design cannot be kept a secret. In claiming this, members of the free software movement, inspired by Dr. Richard M. Stallman - a programmer himself, refer to source code (software) as an integral and functional feature of digital technologies, which enable the development of reliable communications networks. Software, because it makes possible digital communications, must therefore be free if free discussion can exist in the digital realm. In other words, the free software community opposes the conventional institutions pertaining to the legal (popularly recognised) treatment of source code because they functionally restrict the access and usages of individuals' tools of communication. In this respect, communicative

tools, as they might foster free discussion and other public and social interactions, are only useful to citizens if, like citizens' institutions, they are transparent, freely and openly accessible, and held in common. "Whereas Microsoft would never allow the source code of its products to be freely distributed, given that this is its main form of intellectual property", source code within the free software community is openly distributed and widely used for varying purposes (DeLanda 2001: 97).

Free software is any particular program with which users enjoy the "freedom to run, copy, distribute, study, change, and improve the software" (Stallman 2002: 41). With this general notion in mind, the free software community has developed into a culture of citizens whose work and activity are governed by standard concepts and legitimate laws. This community, to be sure, is not directly identified with respect to national boundaries, though the status and distinction of its citizens is nevertheless evident. The citizens within the digital realm are those who are endeavouring to determine with other participants the structures and rules adequate for governing their activities. The free software movement has been a locus for the free discussion pertaining to the accessibility and limits on using various tools of communication. The freedom of which they speak (as in free software) is not limited to programmers who write source code, it is intended for all users and potential users of the software. By defining source code - the very kernel of all digital communications - as free and common, the programmers and users within free software communities have taken their first step in creating a public digital space in which they might be citizens.

Around the concrete necessity of software and source code for digital media, activists in the free software movement have introduced new terminology and legislation to the vocabulary of citizens, which are compatible with the principles and institutions of public order within liberal democracies and, indeed, the culture of citizens. Firstly, the use of the concept of "copyleft", "a general method for making a program free software and requiring all modified and extended versions of the program to be free software as well", acknowledges legal copyright conventions but includes the provision that copyright protects against those wishing to limit access to and knowledge of source code (Stallman 2002: 89). The idea of copyleft on free software ensures that the freedoms associated with that software (i.e. to freely reproduce, distribute, modify) are "passed along" if the user decides to share or sell the software (or a derivative work) (Ibid). The producers of free software can claim on behalf of individual rights their entitlement to secure their intellectual property against those who might wish to appropriate free source code as their own and restrict access to the full work. Copyleft seeks to ensure that all aspects of source code remain free upon agreement of the copyright terms and conditions. In Stallman's words : "Proprietary software developers use copyright to take away the users' freedom; we use copyright to guarantee their freedom. That's why we reverse the name, changing 'copyright' into 'copyleft.'" (2002: 89). In incorporating this idea into state and government institutions, the concept of copyleft can be formally and legally recognised in the GNU General Public License (GPL), in which the interpretation of copyright with respect to freedom can indeed be considered "ingenious" (DeLanda 2001: 97).

The GNU GPL (see Appendix II) is a legal document, or a code of rules, with which

citizens of the free software community identify. In the first place, the GPL resulted from the work of those invested in the community, both programmers and users of digital technologies, to declare a certain standard for freedom (free access, particularly to source code, information and usage) with respect to the use of their software. As such, the community's members are contributing to the creation and refinement of certain rules and regulations that govern social interactions. This continual activity in creating and re-creating the GPL (for various software) resembles very closely the citizen's participation in public life. Members of the free software movement are imposing on themselves restrictions and responsibilities which they have deliberated and crafted. That the GPL has not been substantially violated or brought to court since its inception pays testimony to its legitimacy among programmers and users, and within legal convention (Moglen 2001a: 3 and 2001b: 2). Moreover, active participation has indeed moved beyond the creation of the GPL to include the establishment of the Free Software Foundation, which, with its goal of "reshaping how programs are made in order to give everyone the right to understand, repair, improve, and redistribute the best-quality software on earth", has provided a space for community members to not only help create and publish the GPL, but also manage the enforcement mechanisms for protecting against violations (Moglen 2001a: 1 and 2001b: 1).

The significance of freedom within the GPL, furthermore, is obvious. The GPL and copyleft are both inherently bound to the concept of free software, which is free not in terms of price, but "as in 'free speech'" (Stallman 2002: 41). This application of freedom to software and source code is entrenched so deeply in the GPL that it is nothing short of

self-perpetuating. Freedom begets freedom such that the only restriction involved in agreeing to the GPL is from copying, distributing or modifying free software or code to make it unfree. In essence, the GPL places restrictions on creating restrictions to the free access and knowledge of software. The principle of freedom is, no doubt, evident within the GPL, as it is the basic concept of free software (as in "free speech") that serves as its object. That certain rights and freedoms are not only affirmed, but actively renewed and extended by virtue of using the license is particularly important. In terms of copyright, and indeed other legal realms, the GPL is remarkably and distinctly the work of those dedicated to ensuring unfettered access to software and a realm for the continual exercise of freedom (free activity, free discussion). It is, in other words, the work of citizens who, instead of using copyright to protect ownership and limit distribution of commercially-based products, have recognised in copyright the capacity to extend and assert individual property rights and liberties equally among community members. The composition of the GPL with respect to the principle of freedom is, therefore, a clear indicator of citizen culture within the digital age, for freedom not only serves as the crux of the license, but is also reinforced and shared with every reproduction, modification, and all distribution of the licensed work, including its original source code.

In addition, implied within the GPL, of course, is equality. In reconfiguring the conventional understanding of copyright to mean copyleft, the creators and users of the GPL have made copyright law a vehicle for ensuring and enforcing equality among both software programmers and users. The rights, restrictions and responsibilities outlined in the GPL are applied equally to those who agree to the license. Moreover, in consenting

to the terms and conditions of the license, those wishing to distribute reproductions of the work, whether modified or untouched, gratis or for a fee, are required to "give the recipients all the rights" that they enjoyed with the original work (GPL 1991: Preamble). The GPL exemplifies the equality of rights and liberties such that all members of the community are privy to the knowledge and source code of its free software. In this (free software) community, programmers are treated no differently from users, and the reproduction of software extends not only freedom, but also equality, to new members (i.e. recipients of reproduced free software). Thus, the principle and attribute of equality among all members within the free software community clearly reflect the GPL's pertinence in citizen culture.

The users and programmers supporting and fostering the free software community are involved in activities and guided by principles which are distinctly attributable to citizens. In the first instance, they are distinguished for their participation in and contribution to the general rules and standards for behaviour within the community. Members of the free software movement are not only programmers and users, but also active proponents of copyleft and the GNU General Public License - those methods and mechanisms by which the community governs its interactions. Moreover, encompassed within this self-imposed code of law that defines the realm and acceptable limits of activity is an explicit affirmation and extension of freedom. Programmers and users enjoy full individual liberties with respect to software and source code under copyleft and the GPL, and in addition, those rights and liberties are "passed along" to, and renewed for, each and every new member to the community. As such, the freedom associated

with the free software community is not simply the core of the GPL, it serves in tandem with equality in order to develop greater legitimacy in terms of the license. All people consenting to the GPL's terms and conditions are endowed with an equal opportunity to enjoy the community's sphere of freedom so long as they do not deprive any fellow members from enjoying that same freedom. Like national sovereignty, the authority and legitimacy of copyleft and the GPL is derived from people, particularly those members "inhabited" or invested in the shared community.

The civic and public commitment inherent in the free software community has had a substantial degree of influence in challenging the tendency towards bureaucracy and oligopoly as well. The emergence of the free software community and the corresponding introduction of copyleft and the GPL concretely challenge the supremacy of conglomerate oligopolies in digital communications, and other areas of public life generally. By convention, liberal economics have allowed corporate entities to use copyright (and other aspects of property law and individual rights) for the purpose of accruing greater profits from protected properties and ideas. The tendency towards corporate conglomeration within liberal democracies, therefore, is catalysed by a legal system that treats corporations as legitimate and significant (economic) actors of the state. In using and enforcing copyleft and the GPL, however, members of the free software community are simultaneously creating and reinforcing a public space in which the deprivation of freedom and equality is prohibited by law. The tools with which people communicate through digital media (i.e. source code and software), therefore, are actually and practically held in common for public access and as public knowledge.

Though writers of free software are indeed credited for their work through copyright, their specific designs are not privately controlled, particularly by corporate conglomerates. Thus, the free software movement rises above communications, media and software oligopolies to reclaim the concept and legitimacy of copyright law. By redirecting the focus of rights and liberties from economic interests (restricting reproduction and distribution for profit) to public goals (fostering and maintaining free access, knowledge and communication), the GPL allows programmers and users to bypass the private conglomerate ownership of software. And, because software and source code are integral to the very idea of all digital communications, the GPL and copyleft are setting a precedent for free public discussion and free culture in this new digital realm.

The tendency of liberal democracies towards increasing corporate conglomeration, most notably in media and communications industries, is interrupted each time programmers and users consent to the GPL. Similarly, the necessity for bureaucratic organisation to ensure efficiency between citizens and governments is replaced by members joining and participating in community/public affairs upon their own initiative. First, it is important to note that the GPL is, in fact, entirely compatible with liberal democratic principles and their corresponding public order, particularly in terms of law. The GPL is a legitimate application of copyright insofar as the idea of copyleft reinforces private intellectual property rights, and demonstrates that the rights to share and extend rights and freedoms over source code and software legitimately belong to creators and producers. In this respect, the GPL can be incorporated into and recognised in formal state institutions. As

a particular license, it is a peripheral issue to government bureaucracies, for it does not directly concern the standard political, social and cultural education that enables governments to manage their relations with citizens.

More importantly, the GPL has proven to be efficient in terms of practically ensuring that free software remains free and open to the public; it has not required a bureaucratic structure to achieve that efficiency. What best describes the creation, use, deliberation, revision and enforcement of the GPL is a form of political action, which entails, as Arendt posits, the desire to begin "something new on our own initiative" (1998: 177). Each time a member agrees to, and acts within the bounds of, the GPL's terms and conditions, the public intentions of software creators and users to reform legal conventions on public communications media are made meaningful by way of the extension of freedom to others. The free software community, essentially governed by the GPL and the concept of copyleft, is able to efficiently manage its members' interactions and relationships through personal initiative and consultation, while evading bureaucratic structuring. Indeed, this digital age has allowed for the third major revision of the license (GPL 3.0) to be open to all programmers and users who wish to engage in actively deliberating and refining the GPL. All that is required is a computer and an internet connection. Members of the free software community continue to determine the rules that govern public access to the knowledge and tools of their communications networks, and they are not required to assume a bureaucratic role as a client or expert/professional.

Arendt's conception of political action is congruent to the exemplary activity of citizens whose claim to freedom and legitimate political power and authority originates from the desire to create or reform social order, and renews itself in the active maintenance and support of the newly created or reformed order. By taking personal responsibility for an action and its consequences (i.e. using and consenting to the GPL), that is, by identifying oneself with action, an individual can overcome the anonymous and impersonal nature of government-citizen bureaucracy, while still participate in political and public life as a citizen. Generally speaking, in insisting on a space largely free from bureaucracy and conglomerate oligopolies, members of the free software movement have carved out a public sphere in which digital communications is understood as a public good - a tool with tremendous potential for free discussion. In doing so, users and programmers governed by the GPL have assumed the role of citizens by creating and renewing public order upon their own initiative by way of the community's code of law. Moreover, the free software community, as it faces the challenges of bureaucratisation and conglomeration, is notable for its manifestation of political leadership, which involves political action by and among citizens.

Weber introduces his concept of an ideal political leader whose "conduct is subject to quite a different, indeed exactly opposite, principle of responsibility from that of the civil servant" (1967: 95). Thus, the civil servant whose technical know-how is particularly significant for the functioning of bureaucracy, and whose responsibility it is to carry out the orders of persons of authority, is balanced by the political leader whose principle of responsibility is strictly personal and not contingent on the demands and requests within

the bureaucratic hierarchy. As such, political leaders can act independently of the bureaucracy, and in doing so, (s)he embodies "passion, a feeling of responsibility, and a sense of proportion" (Weber 1967: 115). Ultimately, these three attributes enhance a political leader's ability to act objectively, but not in the sense of scientific or bureaucratic objectivity, which purposefully ignores the human or personal elements of interaction. Rather, it is an objectivity that is gained simply from observing social and political reality, which naturally entails human plurality, particularly in terms of morals, ethics and beliefs. Thus, political leaders, whether they are politicians or citizens, users or programmers, can participate meaningfully and objectively in public affairs, free from the restrictions and contingencies of the administrative bureaucracy. Members of the free software community, governed by the GPL, are fulfilling the duties of political leaders insofar as they are pursuing ethical goals suitable and agreeable to all members, who are ultimately responsible for their own actions.

The two main vulnerabilities facing liberal democracies introduced at the beginning of this chapter were the tendencies towards excessive bureaucratisation and corporate conglomeration. We know, however, from earlier chapters that the phenomenon of liberal democratic nation-states is relatively new to the political and public world of citizens, and as such, continues to adapt to social and political realities. In finding citizens in the twenty-first century it has been necessary to consider the realm of digital media and communications, for not only is the concept of national state citizen so clearly instituted and bureaucratised that its corresponding realm of activity does not fully resemble past spheres for citizenship, but also the digitisation of culture, media,

information and communication has introduced previously inconceivable opportunities for discussion and activities, such as building “virtual” communities and networks in cyberspace. The citizens we discover, therefore, in the twenty-first century are the users and programmers participating in the creation of, and contributing to, the rules and standards of behaviour within the free software community. Their significance as citizens in this century is only partially due to their fulfillment of those distinct attributes and principles that citizens have always maintained - participation in public affairs, freedom and equality; perhaps more importantly, the citizen culture emerging within the free software movement entails political action and political leadership, which serve as real outlets through which liberal democratic citizens can reclaim power and challenge the prevalence of bureaucratic structures and corporate oligopolies. The digital age has fostered the development of a citizen who is not directly associated with the formal institutions of the nation-state, but is nevertheless a free, equal and full participant of a substantial public community.

CONCLUSION

But history, like agriculture, draws its nourishment from the valleys and not from the heights, from the average social level and not from men of eminence (Jose Ortega y Gasset 1932: 26).

Never before have people communicated and interacted across such far distances with the ease and speed that characterise the twenty-first century. The significance of digital communications, to be sure, only became too clear at the turn of the millennium. Before then, programmers, hackers and computer scientists were developing the tools with which potentially all society could build communities and form social relations digitally. The personal computer is a relatively new phenomenon, but its popularity among users shows virtually no end in sight, especially with respect to its capacity for communications: cellular phones, portable MP3 players and satellite radios, internet-ready laptop computers, and digital satellite provide sufficient evidence that digital communications media is likely a permanent fixture in the world, at least so far in advanced liberal democracies. As a result, dominant figures have emerged to provide some form and organisation to the realm of digital communications. This has involved government and its bureaucracies, corporate media oligopolies, and the creators and users of software, that specific tool without which digital communications would be nothing more than unintelligible binary code. Indeed, like most communications technologies, governments, taxpayers and corporations were original investors in early research and infrastructure of digital media (Herman & Chomsky 1988: 22 and Bennahum 1996). The

major difference between earlier forms of communications technologies and their contemporary digital counterpart is that the latter provides a substantive space for high volumes of meaningful interaction. This difference is inherent in not only the ways we use digital communications technology, but perhaps more importantly, in the debated approaches in conceptualising this new realm for community and interaction.

Though some may claim that cyberspace has introduced a new state of nature in which inhabitants (users and programmers) must first declare their intentions to form a social contract (Barlow 1996), others have offered a more practical and appropriate conception which recognises the emergence of cyberspace and digital media as the result of human ingenuity, creation and effort. As such, the digital realm involves "a set of different communications tools, each of which should be treated differently. One end can be marked 'private' and the other end 'public'" (Bennahum 1996: 1). Because digital communications media relies on humans not only for creating and refining software programs but also for using available devices (preferably in positive ways), individual and public interests are sure components of any discourse regarding the form and content of digital communications. Given that this digital age has emerged within the context of a predominantly liberal democratic world, the above-mentioned conceptions of cyberspace share common liberal roots. The former, which invokes the state of nature, assumes first and foremost that "netizens", those users and programmers who consider themselves fully invested in the cyberspace community, are inherently free, equal and predisposed to interact and relate with others benevolently (i.e. with goodwill) and cooperatively. The latter, which claims cyberspace is a product of human invention and

civil society, places emphasis on the individual significance of each user in his/her activities within digital communications media. Despite the differences between these approaches in conceptualising the digital realm, however, both reflect a desire to realise and make available some sphere for free public activity.

Tools for digital communications have enabled individuals to build networks and communities that were once inconceivable, and as a consequence, the discourse pertaining to public affairs has found its way into the digital realm. Software, and other digital, communities exist within a framework of formal institutions associated with governments and corporate conglomerates. As such, the actual efforts to ensure a space for public and free activity with respect to digital communications involve negotiating who is entitled to what property - software, source code, broadband, hardware, content. Given the forms in which digital technologies take, however, much of what could be considered private property is under scrutiny by those who are actively claiming a space for public knowledge of, and free access to, certain properties of their own. The capacity of digital communications has allowed programmers and users to widely share and distribute these properties, and indeed others, with low marginal effort or cost. From among the various groups that compose the industries, networks and users of digital media, the free software community is distinct not only for its members' practical and legitimate renewal of (copyright) law, but also the creation and enforcement of a public sphere in which the principles of freedom and equality govern all activities. This has effectively reserved a space for the development of citizen culture among bureaucratic and corporate organisations within the digital realm.

The members of the free software movement are, certainly, not the obvious group within the context of the twenty-first century to be identified as citizens, for they are not directly associated with the modern nation-state. But it is important also to recall that citizens are not simply the formal and institutionally recognised constituent inhabitants of a given territory; rather, they are characterised by certain attributes and guiding principles. Citizens throughout history (and our story) have consistently been those community members who participate in creating laws which, in turn, require obedience and enforcement if they are to succeed in protecting the public interests relevant to citizens and all of society. In taking on the responsibility of community rules and law, citizens have imparted to all members of society certain duties and privileges, of which citizens enjoy particular freedoms and equality. Regardless of community form (e.g. city-state or nation-state) or their political system (e.g. ancient democracy, republic city-state, liberal nation-state, liberal democracy), citizens created (political) cultures in which these attributes and principles could prevail in (public) community affairs. In this twenty-first century, in which the realm of digital media is increasingly relevant in public affairs (and management), the free software community is actively committed in outlining a digital sphere for citizen culture to flourish.

Embedded within all citizen cultures, moreover, is the kernel of the community's legitimacy, the source of acceptable power and authority. When and where the legitimacy of a state's laws, decrees and standards have been challenged, there has followed a renegotiation of the boundaries and criteria for citizenship. Though

sovereignty of the people may perhaps be an inadequate term to associate with the free software movement, it connotes many of the same ideals underlying the formula for legitimate activity and authority in the realm of digital communications. That members of free software communities are consenting participants in creating and upholding the law (i.e. GNU General Public License) under which their activities (with respect to cyberspace) are governed provides the legitimacy which serves to strengthen the law. Since the introduction of the first version of the GPL in 1989 and into its third revision, which will be officially available in the coming months, the sphere for free software and source code - the public space within the digital realm - has grown dramatically by way of the free software movement, which further buttresses the legitimacy of the GPL. In a similar way to the political, social and civil movements that characterised the addition of democracy to the liberal state, the free software movement is challenging the authority and legitimacy of certain state conventions, and engaging in the renegotiation and relegitimation of governing laws in order to incorporate themselves into the existing system. By extending the law to consenting members of the community, the free software movement and the GPL gain greater legitimacy in sanctioning a sphere for free public community activity.

Indeed, the inherent principles of liberal democracy, particularly pertaining to individual freedom and equality, suitably accommodate a citizen culture in which the legitimacy of the state and its structures and laws is especially robust in comparison to those political systems wherein citizens did not substantially contribute to public affairs (i.e. empire, absolute monarchy). With this digital age emerging within the political and economic

context of liberal democratic norms, it is not surprising that a citizen culture has been able to develop and grow within the new realm of communications and other human relations and interactions. Moreover, given the tendencies of liberal democracies towards excessive bureaucratisation and conglomerate oligopolies, the members/citizens of the free software community are demonstrating a real ability to overcome these obstacles, while remaining compatible with the general principles of liberal democracy and allowing for bureaucratisation and conglomeration to coexist with the unfettered and open activities instilled in the free software movement.

In addition to the distinct attributes and guiding principles evident in citizen culture, the activities associated with that culture and the ways in which they challenge the predominance of bureaucracy and oligopoly stem from citizens embracing political action and leadership. To be sure, if action and leadership are to be meaningfully political, they must embody passion, principles of personal responsibility, and a sense of proportion. In short, citizens of the free software community act upon their own initiative (free from the obstacles and restrictions inherent in bureaucratic and corporate structures) to participate in and contribute to a community that is, by a matter of course, characterised by the reality of human plurality. Their activities are considered meaningful and legitimate because in acknowledging the variety and diversity of all current and future programmers and users, citizens involved in the free software movement have deliberated and committed to uphold certain common ethical goals with the intention of creating a space that accommodates diversity, creativity, public knowledge and free discussion. Furthermore, in doing so, community members have accepted the responsibilities and

conditions pertaining to their consent to the GPL, in particular, and their activities with respect to the digital realm, in general. Thus, the political action and leadership of citizens, namely with respect to the free software community, is central not only to the legitimacy of the movement and its code of law (i.e. GPL), but also in challenging the supremacy of bureaucratisation and conglomeration, in which personal initiative, personal responsibility and a sense of proportion are absent, in liberal democracies.

As we settle into the twenty-first century, the tools that enable our communication throughout the world are increasingly digital, for it is primarily with these technologies that instant, immediate and global communications might be available to all of society. The opportunity to access this digital realm and harness its power requires very little in terms of effort and cost, which makes these media technologies all the more appealing for a broad range of diverse groups and individuals. The proliferation of the free software movement and the GNU General Public License demonstrate that citizenship, as it is defined in terms of cultural attributes and principles, is indeed a striking feature of our contemporary world. The citizens we find are neither directly associated with the nation-state nor revolting against it; rather, they are building a (digital) community that seeks to uphold the foundations of liberal democracy - freedom and equality - while creating a legal precedent and substantively re-defining the conventional scope of property law. These citizens, like those from our story earlier, are distinct for their membership and participation in public affairs; they are not exemplary because of sex, age, skin colour or socioeconomic position, instead their willingness to act with and among other members of society to create a space for meaningful community and political action serves as the

pillar for their citizenship and citizen culture. The history of citizens (and our story of the citizen) involves people acting in concert to give shape to their social lives. We have not been able to know all the particular individual names of these people, but we have come to know their culture in terms of activities, attributes and principles. It has been this culture of citizens, gradually developed through several generations, that has nourished our understanding of politics, and indeed, the political history of liberal democracy.

Our story of the citizen, to be sure, will continue as long as there are citizens to be found in our world. For now, this requires not only the existence of a citizen culture, but also political activity that overcomes bureaucratic and oligopolistic structures which thwart the livelihood of liberal democratic citizens. The free software community has shown that every programmer or user has the opportunity and potential to fulfill the role of citizen and engage in meaningful political action and leadership, thereby contributing to the development and growth of citizenship and resisting bureaucratic and conglomerate forces in the twenty-first century. There is, then, hope for the continuation of our story, for the citizens of today, embodying the culture of their historical citizen kin, are creating and introducing new possibilities for governing their societies with rules and standards of their own deliberation which recognise the freedom and equality of all members. As such, there remains great promise for the future of citizens and their distinct culture, not only within the digital realm, but surely wherever people, acting in concert, have determined a space for political participation, freedom and equality.

APPENDIX 1

Government sponsored citizenship

Sample Citizenship Questions from Canadian government
<http://www.cic.gc.ca/english/citizen/look/look-21e.html>

Section I: Questions about Canada

Aboriginal Peoples

1. Who are the Aboriginal peoples of Canada?
2. What are the three main groups of Aboriginal peoples?
3. From whom are the Métis descended?
4. Which group of Aboriginal peoples make up more than half the population of the Northwest Territories and Nunavut?
5. Why are the Aboriginal peoples of Canada working toward self-government?

History (answers can be found in the sections on regions of Canada)

1. Where did the first European settlers in Canada come from?
2. Why did the early explorers first come to Atlantic Canada?
3. What three industries helped the early settlers build communities in the Atlantic region?
4. Who were the United Empire Loyalists?
5. When did settlers from France first establish communities on the St. Lawrence River?
6. Which trade spread across Canada, making it important to the economy for over 300 years?
7. What form of transportation did Aboriginal peoples and fur traders use to create trading networks in North America?
8. What important trade did the Hudson's Bay Company control?
9. What did the government do to make immigration to western Canada much easier?

Confederation/Government

1. What does Confederation mean?
2. What is the Canadian Constitution?
3. What year was Confederation?
4. When did the British North America Act come into effect?
5. Why is the British North America Act important in Canadian history?
6. Which four provinces first formed Confederation?
7. Which was the last province to join Canada?
8. When is Canada Day and what does it celebrate?
9. Who was the first Prime Minister of Canada?
10. Why is the Constitution Act, 1982 important in Canadian history?

Rights and Responsibilities

1. What part of the Constitution legally protects the basic rights and freedoms of all Canadians?
2. When did the Canadian Charter of Rights and Freedoms become part of the Canadian Constitution?
3. Name two fundamental freedoms protected by the Canadian Charter of Rights and Freedoms.
4. Name three legal rights protected by the Canadian Charter of Rights and Freedoms.
5. List three ways in which you can protect the environment.
6. Who has the right to apply for a Canadian passport?
7. What does equality under the law mean?
8. Name six responsibilities of citizenship.
9. Give an example of how you can show responsibility by participating in your community.
10. List four rights Canadian citizens have.
11. What will you promise when you take the Oath of Citizenship?

Languages

1. What are the two official languages of Canada?

2. Give an example of where English and French have equal status in Canada.
3. Where do most French-speaking Canadians live?
4. Which province has the most bilingual Canadians?
5. Which province is the only officially bilingual province?

Symbols

1. What does the Canadian flag look like?
2. What song is Canada's national anthem?
3. Give the first two lines of Canada's national anthem.
4. Where does the name "Canada" come from?
5. Which animal is an official symbol of Canada?
6. What is the tower in the centre of the Parliament buildings called?

Geography

1. What is the population of Canada?
2. What three oceans border on Canada?
3. What is the capital city of Canada?
4. Name all the provinces and territories and their capital cities.
5. Name the five regions of Canada.
6. Which region covers more than one-third of Canada?
7. In which region do more than half the people in Canada live?
8. One-third of all Canadians live in which province?
9. Where are the Canadian Rockies?
10. Where are the Great Lakes?
11. Which mountain range is on the border between Alberta and British Columbia?
12. Where are the Parliament buildings located?
13. Which country borders Canada on the south?
14. What are the Prairie provinces?
15. Which province in Canada is the smallest in land size?
16. What is a major river in Quebec?
17. On what date did Nunavut become a territory?

Economy

1. What are the three main types of industries in Canada?
2. In what industry do most Canadians work?
3. What country is Canada's largest trading partner?
4. Which region is known as the industrial and manufacturing heartland of Canada?
5. Which region of Canada is known for both its fertile agricultural land and valuable energy resources?

Federal Government

1. Who is Canada's Head of State?
2. Who is the Queen's representative in Canada?
3. What is the name of the Governor General?
4. What do you call the Queen's representative in the provinces?
5. What is Canada's system of government called?
6. What are the three parts of Parliament?
7. Explain how the levels of government are different.
8. What do you call a law before it is passed?
9. How are members of Parliament chosen?
10. Who do members of Parliament represent?
11. How does a bill become law?
12. What are the three levels of government in Canada?
13. Name two responsibilities for each level of government.
14. What is the government of all of Canada called?

Federal Elections

1. How many electoral districts are there in Canada?
2. In what electoral district do you live?
3. Who has the right to vote in federal elections?
4. What three requirements must you meet in order to vote in a federal election?
5. What is written on a federal election ballot?
6. What do you mark on a federal election ballot?
7. How is the government formed after an election?
8. How is the Prime Minister chosen?
9. When does an election have to be held according to the Constitution?
10. Name all the federal political parties in the House of Commons and their leaders.
11. Which party becomes the official opposition?
12. What is the role of the opposition parties?
13. Which party is the official opposition at the federal level?
14. Name the Prime Minister of Canada and his party.
15. Name your member of Parliament and the party he or she belongs to.
16. What is a voter information card?
17. Who has the right to run as a candidate in federal elections?
18. Who do Canadians vote for in a federal election?
19. What do political parties do?
20. Which federal political party is in power?
21. How are senators chosen?
22. What should you do if you do not receive a voter information card telling you when and where to vote?
23. After a federal election, which party forms the new government?

Section II. Questions about your region

1. What is the capital city of the province or territory in which you live?
2. List three natural resources important to your region's economy today.
3. Who is your city councillor, alderperson, reeve or regional councillor?
4. What is the name of your mayor?
5. What is the name of your provincial representative (member of the Legislative Assembly, member of the provincial Parliament, member of the National Assembly or member of the House of Assembly)?
6. What is the name of the premier of your province or territory?
7. Which political party is in power in your province or territory?
8. What is the name of the leader of the opposition in your province?
9. What is the name of your lieutenant governor or commissioner?

Sample citizenship questions from the UK government
From http://www.lifeintheuktest.gov.uk/textsite/self_10.html to
http://www.lifeintheuktest.gov.uk/textsite/self_100.html

Migration to Britain

1. Where have migrants come from in the past and why? What sort of work have they done?

The changing role of women

1. Do women have equal rights and has this always been the case?
2. Are there as many women in education or work as men?
3. Do women get the same pay as men? Do women with children work?

Children, family and young people

1. How many young people are there in the UK?
2. Do many children live in single parent families or step-families? When do children leave home?
3. What sort of work do children do?
4. When do children take tests at school? How many go on to higher education?
5. What are the minimum ages for buying alcohol and tobacco? What drugs are illegal?
6. How interested are young people in politics? What do they see as the main issues today?

Population

1. How many people live in the countries of the UK?
2. What is the census and how is census data collected and used?
3. How many people belong to an ethnic minority and which are the largest minority groups? Where are there large ethnic communities?

Religion and tolerance

1. How many people say they have a religion and how many attend religious services? What are the largest religious groups?
2. What is the Church of England and who is its head? What are the main Christian groups?

The regions of Britain

1. Where are Geordie, Cockney and Scouse dialects spoken?

Customs and traditions

1. Do people tend to live in the cities or in the country?
2. What and when are the national days of the four countries of the UK? What are bank holidays?
3. What and when are the main Christian festivals? What other traditional days are celebrated?

The working system of government

1. What are MPs? How often are elections held and who forms the government?
2. What is the role of the Prime Minister? Who advises them and what are the main roles in the Cabinet?
3. What type of constitution does the UK have? What is Her Majesty's Opposition and what is the role of the Leader of the Opposition?
4. How is political debate reported? Are newspapers free to publish opinions or do they have to remain impartial?

The formal institutions – 1

1. What is the Queen's official role and what ceremonial duties does she have?
2. How do elections for the House of Commons work? How are candidates selected? What do the Speaker and Whips do?
3. What is the House of Lords and who are its members?
4. How can you visit Parliament?

The formal institutions – 2

1. How are judges appointed and how do they apply the law?

2. How are the police organised and who controls their administration?
3. What is the civil service and how do civil servants work with government?
4. How are local services managed, governed and paid for?

Devolved administration

1. What is proportional representation and where is it used?
2. What are the powers of the devolved administrations? Which areas of policy remain under the control of the UK government?
3. What are quangos and non-departmental public bodies?

Britain in Europe and the world

1. What are the roles and powers of the main institutions of Europe? How is European law organised?
2. What rights do citizens of European Union states have to travel and work?
3. What is the Commonwealth? What is the United Nations and what is Britain's role within it?

The ordinary citizen

1. What rights and duties do UK citizens have?
2. Who has the right to vote and at what age? How and when do you register to vote?
3. Who can stand for public office? How do you contact an elected representative?

AMERICAN GOVERNMENT

A: Principles of American Democracy

1. Name one important idea found in the Declaration of Independence.
2. What is the supreme law of the land? *
3. What does the Constitution do?
4. What does "We the People" mean in the Constitution?
5. What do we call changes to the Constitution?
6. What is an amendment?
7. What do we call the first ten amendments to the Constitution?
8. Name one right or freedom from the First Amendment. *
9. How many amendments does the Constitution have?
10. What did the Declaration of Independence do?
11. What does freedom of religion mean?
12. What type of economic system does the U.S. have?

B: System of Government

13. What are the three branches or parts of the government?
14. Name one branch or part of the government.
15. Who is in charge of the executive branch?
16. Who makes federal laws?
17. What are the two parts of the United States Congress?
18. How many United States Senators are there?
19. We elect a U.S. Senator for how many years? *
20. Name your state's two U.S. Senators. *
21. How many U.S. Senators does each state have?
22. The House of Representatives has how many voting members? *
23. We elect a U.S. Representative for how many years?
24. Name your U.S. Representative.
25. Who does a U.S. Senator represent?
26. Who does a U.S. Representative represent?
27. What decides each state's number of U.S. Representatives?
28. How is each state's number of Representatives decided?
29. Why do we have three branches of government? *
30. Name one example of checks and balances.
31. We elect a President for how many years?
32. How old must a President be?
33. To become President of the United States, what must the person be at birth?
34. Who is the President now?
35. What is the name of the President of the United States?
36. Who is the Vice President now?
37. What is the name of the Vice President of the United States?
38. If the President can no longer serve, who becomes President?
39. Who becomes President if both the President and the Vice President can no longer serve?
40. Who is the Commander-in-Chief of the military?
41. How many full terms can a President serve?
42. Who signs bills to become laws?
43. Who vetoes bills?
44. What is a veto?
45. What does the President's Cabinet do? *
46. Name two Cabinet-level positions.
47. What Cabinet-level agency advises the President on foreign policy?
48. What does the judicial branch do? *

49. Who confirms Supreme Court justices?
50. Who is the Chief Justice of the United States?
51. How many justices are on the Supreme Court?
52. Who nominates justices to the Supreme Court?
53. Name one thing only the federal government can do.
54. What is one thing a state government can do?
55. What does it mean that the U.S. Constitution is a constitution of limited powers?
56. Who is the Governor of your state?
57. What is the capital (or capital city) of your state?
58. What are the two major political parties in the U.S. today?
59. What is the highest court in the U.S.?
60. What is the majority political party in the House of Representatives now? *
61. What is the political party of the majority in the Senate now?
62. What is the political party of the President now?
63. Who is the Speaker of the House of Representatives now?
64. Who is the Senate Majority Leader now? *
65. In what month are general presidential elections held in the United States?
66. When must all males register for the Selective Service?
67. Who is the Secretary of State now?
68. Who is the Attorney General now?
69. Is the current President in his first or second term? *

C: Rule of Law

70. What is self-government?
71. Who governs the people in a self-governed country?
72. What is the "rule of law"?
73. What are "inalienable rights"?

D: Rights and Responsibilities

74. There are four amendments to the Constitution about who can vote. Describe one of them.
75. Name one responsibility that is only for United States citizens.
76. Name two rights that are only for United States citizens.
77. Name two rights of everyone living in the U.S.
78. What is the Pledge of Allegiance?
79. Name one promise you make when you say the Oath of Allegiance.
80. Who can vote in the U.S. presidential elections?
81. Name two ways that Americans can participate in their democracy.
82. When is the last day you can send in federal income tax forms?
83. Name two of the natural, or inalienable, rights in the Declaration of Independence.

AMERICAN HISTORY

A: Colonial and Independence

84. Who wrote the Declaration of Independence?
85. When was the Declaration of Independence adopted?
86. Name one reason why the colonists came to America?
87. What happened at the Constitutional Convention? *
88. Why did the colonists fight the British?
89. When was the Constitution drafted?
90. There are 13 original states. Name three.
91. What group of people was taken to America and sold as slaves?
92. Who lived in America before the Europeans arrived?
93. Where did most of America's colonists come from before the Revolution? *
94. Why were the colonists upset with the British government?
95. Name one thing Benjamin Franklin is famous for.
96. Who is called the "Father of Our Country"?
97. Who was the first President?

98. Name one of the writers of the Federalist Papers? *
99. What group of essays supported passage of the U.S. Constitution?

B: 1800s

100. Name one war fought by the United States in the 1800s. *
101. What territory did the United States buy from France in 1803?
102. What country sold the Louisiana Territory to the United States?
103. In 1803, the United States bought a large amount of land from France. Where was that land?
104. Name one of the things that Abraham Lincoln did.
105. Name the U.S. war between the North and the South. *
106. Name one problem that led to the Civil War.
107. What did the Emancipation Proclamation do?
108. What did the abolitionists try to end before the Civil War?
109. What did Susan B. Anthony do?

C: Recent American History and Other Important Historical Information

110. Name one war fought by the United States in the 1900s.
111. Who was President during World War I?
112. The United States fought Japan, Germany, and Italy during which war?
113. What was the main concern of the United States during the Cold War?
114. What major event happened on September 11, 2001, in the United States?
115. What international organization was established after World War II to keep the world at peace?
116. What alliance of North America and European countries was created during the Cold War?
117. Who was President during the Great Depression and World War II? *
118. Which U.S. World War II general later became President?
119. What did Martin Luther King, Jr. do?
120. Martin Luther King, Jr. had a dream for America. What was his dream?
121. What movement tried to end racial discrimination?
122. Name one of the major American Indian tribes in the United States.

INTEGRATED CIVICS

A: Geography

123. Name one of the two longest rivers in the United States.
124. What ocean is on the west coast of the United States?
125. What country is on the northern border of the United States?
126. Where is the Grand Canyon?
127. Where is the Statue of Liberty?
128. What country is on the southern border of the United States?
129. Name one large mountain range in the United States.
130. What is the tallest mountain in the United States?
131. Name one U.S. territory.
132. Name the state that is in the middle of the Pacific Ocean.
133. Name one state that borders Canada. *
134. Name one state that borders on Mexico.
135. What is the capital of the U.S.?

B: Symbols

136. Why does the flag have 13 stripes?
137. Why do we have 13 stripes on the flag? *
138. Why does the flag have 50 stars?
139. What is the name of the National Anthem?

C: Holidays

140. On the Fourth of July we celebrate independence from what country?
141. When do we celebrate Independence Day?
142. Name two national U.S. holidays.

APPENDIX 2

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Version 2, June 1991

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