
Citizenship at the Age of Enlightenment

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Preface

The concept of citizenship can have a limited referent or an extended one. It may narrow down to exclusively denote an elite, and it may enlarge its referent to include a whole state or nation. In a few cases that seldom go beyond utopias, the term may cover the whole human race within a world state which may take the form of one state or that of a federation including a number of states under one world government or a league of nations.

Although many writers have dealt with the concept of citizenship, it is still a problematic concept with differing philosophical analyses, conflicting social theories and as yet incomplete political theories concerning its identity. Therefore, political systems around the world, and even political parties in single states, still present various features and definitions of the concept. In addition, most researches are overwhelmed by operational and terminological definitions although *citizenship* is a live concept that moves

within a historical state of continuous becoming.

This paper will not consider it sufficient to present a definition of citizenship; it will rather analyze the development and features of citizenship as a living concept with a past, a present and a future. It evolves and develops; it goes forwards and backwards; it acquires strength then falters; it converges with other concepts and diverges from them; and so on. The paper considers this one of the most important of its tasks, and focuses on the 18th century without isolating the concept from its historical context, roots and its most recent developments. The reality of a certain phase cannot be understood without reference to its past and future.

Why, however, is the special emphasis on the Age of Enlightenment? That is because it is the pinnacle of Western philosophy. It was the age of the political *cogito*. Europe had suffered for long years from the inability to think for itself as the clerics and kings were the only ones who think and choose while the

ordinary people were like a herd that does not think, will or choose. When Europe meant to shake off this state of inertia, René Descartes emerged in the 17th century to realize this dream with his famous maxim: *cogito ergo sum* (I think therefore I am). This was a reaction to the passivity of thinking to which Europe had surrendered. However, the Cartesian cogito was not enough as it presented a philosophy for thinking not a philosophy for action. Thus Europe had to wait for more than a century until the French could have a political cogito with Jean Jacques Rousseau (1712-1778) in the 18th century when they deduced a philosophy of action that ended up by transforming France from a monarchy into a republic. The history of France changed, and so did afterwards the history of the world.

What is the political cogito then? It is: *ago* (I act) with which man turns from an “individual” into a “citizen”, from being for others into being for oneself. Man turns from a means into an end, and becomes the acting self while the ruler turns into the “object” in the philosophical terms. Hence the logic of slave and master is inverted. The permanent absolute, dominating ruler turns into a relative ruler who comes and goes while the citizen turns into the absolute!

This is the political cogito which was realized by the European consciousness in the 18th century after which the world political route changed. Therefore, that century was the turning point of humanity heading towards a clear and well-defined concept of citizenship.

The concept of citizenship has become a living moving concept immersed in the continuous historical becoming; consequently it has become obviously difficult to find an all-inclusive definition for it. What is citizenship? How did it take shape philosophically as a social and political doctrine in the Western Enlightenment Age in particular and in the Western thought in general? How was the notion of citizenship a part of an innovative intellectual system and a general intellectual system that distinguished the age of modernization? Can the tie between modernity and citizenship be ascertained if the political and intellectual products of modernization were considered—including the natural law, human rights, the social contract, the separation of powers, and the constitutional government? To what extent are the civil society, democracy and the separation of powers considered an indispensable triad for the existence of citizenship? What is the effect of the imperative coexistence of this

triad on the general development of Western political thought? This paper will attempt to produce answers for these questions through a comparative analytic methodology not lacking for a rigorous critical disposition.

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Introduction: Concept and Precursors of Citizenship

Defining the concept of citizenship today is the common springing point in any discussion of citizenship that takes place in the domains of philosophy, the humanities and social sciences in general with their common definite references. Nevertheless, no one, in the Age of Enlightenment as is the case today, could approach citizenship without first saying a few words about the Greek and Roman concepts.

However, the differences among the discussions of the 18th century, the earlier discussions and the contemporary ones are highly significant. Therefore, one should not stop only at the 18th century in defining the

concept of citizenship. There should be a tracing back of the concept to establish the historical background within the study of history of ideas, and this should be accompanied by investigating what the concept has become afterwards.

The concept is a living being which evolves and develops with a past and a future. Since one of the tasks of this paper is to analyze the development of the concept, with focus on the enlightenment period, the paper will first deal with the terminological study. The operational approach is not valid here since it belongs more to the empirical social sciences in which “an abstract theoretical concept is transformed into something concrete, observable and measurable in an empirical research project”. Thus, “operational definitions are crucial to the process of measurement, and are often the most controversial aspect of any research design”⁽¹⁾.

Traditional Arabic dictionaries do not include the term *مواطنة* (citizenship). They only include words derived from the root *وطن* (homeland), such as *موطن*⁽²⁾, *الوطن*, *واطن*, *توطن* (locale, homeland, live with, settle in a locale). The term *مواطنة* as derived from the Arabic root refers to man’s homeland, settlement and geographical belonging. However, it is used

today as a new word that has acquired a new meaning. It expresses a political and social reality that includes the civil and legal rights of the individual within the state.

Some may wonder whether the absence of an Arabic equivalent term for *citizenship* from the old Arabic dictionaries means the absence of the concept from the Arab political life. Are there other words which express the content? Or is the pattern system of Arabic morphology the culprit here?⁽³⁾ Answering these questions could be the content of another piece of research to avoid digression, but the subject of this paper is mostly the concept of citizenship in the West, especially in the 18th century.

In the Western context, the term has a prominent presence in dictionaries. For instance, in English *citizenship* refers to participation in the government of a state either directly or indirectly. It is sometimes used to denote the state according to which an individual is considered a citizen merely as a person living in a particular state to which he owes allegiance and hence enjoys its protection. In the *Oxford English Dictionary*, for instance, a *citizen* is “(1) an inhabitant of a city or (often) of a town; (2) a member of a state, an enfranchised inhabitant of a country”. As for citizenship, it is “the

position or status of being a citizen, with its rights and privileges”⁽⁴⁾.

The concept of citizenship goes beyond the dictionary meaning to denote a person who enjoys political rights and bears as well duties of participation. Moreover, the concept of citizenship refers to the action of a citizen and the very act of participation since the citizen is a member of the political community who enjoys rights and assumes membership duties. This extended definition can be found with slight differences in the writings of the 18th century thinkers and in the lemma “*citoyen*” in Diderot’s and D’Alembert’s *Encyclopédie* 1753. This oeuvre defines the citizen as a member in a free society formed of several families which share the rights of this society and enjoy its protection. It refers to the citizen (only male) and the family as a group of unities which make up undisputed society⁽⁵⁾.

The main interest of “the encyclopédiste’s, understandable for one living in a monarchy, was the relationship between the concepts ‘citizen’ and ‘subject’. Were they the same (as Hobbes asserted) or contradictory (as a reading of Aristotle suggested)?”⁽⁶⁾

The concept of “subject” or “subjects” refers to members in a monarchy or a state

who have no independent rights. The self with independent rights is that of the ruler who has all the privileges. Such a ruler has all authorities and no one can review his acts. His relation to his subjects is that of a shepherd to the herd. His power is gained by force, bloodline, clan-belonging, sheer power or even divine right. Therefore, the concept of “subject” is different from that of a “citizen” who enjoys independent legal rights.

Citizenship in its more complete form in contemporary political philosophy is belonging to the homeland. It is this belonging where the citizen is a member in full capacity and where all citizens are completely equal in rights and duties before the law without any discrimination based on color, race, religion, thought, financial position or political affiliation. It is where every citizen respects every other citizen and everyone is tolerant towards the others despite all variedness and differences.

There is a balance between rights and duties since citizenship is not only rights neglecting duties. If citizenship gives the citizens the rights of citizenship: civil rights, political rights, social rights, legal rights, etc., in return it imposes a number of legal duties, moral obligations and the responsibilities of

citizenship. It further imposes total loyalty to the homeland. The law protects all and guarantees for all civil and political rights including the right to participation and decision making. It also secures the realization of social and economic equity and the protection of the dignity, freedom and independence of every citizen⁽⁷⁾. Therefore, the *World Book Encyclopedia* says that citizens have some rights, such as the right to vote and the right to public office while they also have some duties such as paying taxes and the duty to defend their country⁽⁸⁾. The *Encyclopedia Britannica* also puts rights against duties saying that citizenship is

relationship between an individual and a state in which the individual owes allegiance to that state and in turn is entitled to its protection. Citizenship implies the status of freedom with accompanying responsibilities. Citizens have certain rights, duties, and responsibilities that are denied or only partially extended to aliens and other noncitizens residing in a country. In general, full political rights, including the right to vote and to hold public office, are predicated on citizenship⁽⁹⁾.

Rights of citizenship for T. H. Marshall include the political and social rights. The political rights are the ones that create

political citizenship. They are the right to vote or to hold political posts. Social citizenship is realized through social rights which are the right to decent life, the right to education, the right to medical care, etc. The civil rights include the rights of the individual as a citizen such as the personal rights, the right to ownership, and right to life, dignity, individual freedom, equal opportunities and equality in general⁽¹⁰⁾. This is in addition to the rights mentioned in the Universal Declaration of Human Rights (1948). These rights are determined by governments and guaranteed by constitutions and laws and are protected by the judicial bodies⁽¹¹⁾.

There is a tension between the three components of citizenship and the mechanisms of capitalism as capitalism leads to a degree of social inequality while citizenship seeks a redistribution of resources to emphasize the equality of rights for all. However, Marshall's view involves deficiency as his theory overlooks other elements of citizenship, such as economic citizenship. His theory does not put in consideration the social processes which have negative effects on citizenship. Comparative analysis as well does not show in his view which does not go beyond the analysis of citizenship in the English experience⁽¹²⁾.

Citizenship attains, rightly, the level of complete membership in a state since it is realized as a result of a contract and solidarity among people who are all free and on the same degree of enjoying rights and duties. It is the basis for national solidarity as is seen in Talcott Parsons who was under the influence of the American model. His vision of the modern national state was based on citizenship which he sees as the foundation of loyalty and belonging to the national state. This reflects the classical views which saw nationalism as the basis of citizenship, i.e., citizenship came as a result of belonging to a nation, but for Parsons it is citizenship that is the basis of nationalism. This means that the sentiment of belonging to a nation arises from citizenship. Citizenship alone is enough to create belonging to a nation⁽¹³⁾.

Parsons sees the development of citizenship as a measure for the modernization of a community since citizenship is based on values of *universalism* and *achievement*. On the one hand, *universalism* refers to levels of value which are of a large degree of generality as opposed to particularism which refers to the levels that are significant to a particular agent within a particular relation to particular persons. Achievement, or performance, on the other hand, is the successful

accomplishment of certain goals as opposed to “ascriptive criteria to recruit, select, and evaluate individuals for particular roles” as stressing facts that this person is such and such. For instance the father of the agent can be a physician and so on⁽¹⁴⁾.

This is what concerns the terminology of citizenship. Regarding its development and characteristics as a living being with a past, a present and a future, which goes forwards and backwards, evolves, grows and develops, acquiring strength then faltering, converging with other concepts and diverging from them-this will be the following task of the paper with focusing analysis on the period of European enlightenment without isolating the concept from its historical positioning, its roots and what it has currently become.

The European references reveal that the first precursors of the concept of citizenship first emerged in Greece with the appearance of the civil state where some social categories enjoyed the status of citizens. This status gave them the right of participation in determining the principles governing the city and right to political participation.

The most important characteristics of classical Greek citizenship were:

1. Capacity to hold the post of juror.

2. Practicing the right to discuss public civil affairs, including the political affairs, freely in the *agora* or a general assembly.
3. Equality to free individuals before the law.

Citizenship with what it entails of rights and duties was not an umbrella that covers all the people as it excluded women, slaves and children. Hence, citizenship was not a right enjoyed by all, describing as citizen only the free male above the age of eighteen who lives in the city-state.

Therefore the classical Greek democracy was deficient and exclusive, not believing in equality for all. Comprehensive citizenship has not been complete until the modern times when the liberal tradition reached its zenith. However, the Greek concept of citizenship was the original source of the concept in the Western thought. The Greek democracy set forth the first model with the notion of equality among a group of people and the notion of the right to political participation⁽¹⁵⁾. Although this Greek concept was deficient, it is considered the basic source of the Western concept of citizenship, especially when it is the nearest to it in meaning⁽¹⁶⁾.

However, it is extraordinary that Plato (BC 374-427) and Aristotle (BC 322-384) criticized this concept of citizenship as it

gave the citizen freedom which entailed the right to living according to whims; it gave him the right to political participation and sharing in running the state affairs according to whims; and it gave him the right to pass judicial rulings through a jury—a panel of jurors like the one of 500 Athenian citizens that sentenced Socrates (BC 399-469) to death after indicting him for atheism and corrupting the young.

At the time of establishment the Roman republic in 509 BC, there were three classes:

1. The nobles and the patricians, who brought down the monarchy and founded the republic,
2. The plebeians, mostly farmers,
3. The slaves.

Citizenship was an exclusive right to the upper class members, the nobles and the patricians, who have the right to join the “assembly” which passes laws and elects the two consuls. Only the nobles and patricians could be members of the Senate which has the right of control over the assembly and the two consuls. But as a result of the plebeian revolt, the plebeians were allowed to form a plebeian assembly to elect ten from among them as their representatives. In BC 445, a law was passed to allow the plebeians to

select senators and to elect the two consuls.

Thus the concept of citizenship was extended to hold more members than the plebeians. After the Roman expansion, a class of slaves emerged. Their dismal conditions gave rise to a revolt led by Spartacus, but the rebellion was subjugated in BC 71. When Julius Caesar came to power, he gave citizenship to all free men, still excluding slaves, women and the poorer brackets of the community.

In the age of the empire, those who had the right to citizenship grew in number, so it was especially the right of those who did the military service⁽¹⁷⁾ even if they were non-Romans.

However, the concept of the patricians continued prominently as citizenship stayed the exclusive right of some people excluding great numbers during the European Middle Ages. The political and social fluctuations, sometimes peaceful and sometimes revolutionary, that started to take place in the 13th century, led to gradual dismantling of the feudal system and the erosion of the influence of the Church.

The kings’ needs for taxes played a role in legislative representation. There were calls to control the system of spending the taxes and the slogan “no taxation without

representation”⁽¹⁸⁾ started to appear, especially in Britain and the Scandinavian countries, contrary to the southern European countries, such as Spain and Portugal which depended on finances from the colonies.

In England, reformation tendencies surfaced and King John, Johan sanz Terre, had to issue the *Magna Carta* on 12 June 1215. It contained sixty-three articles and ensured the rights and duties of the feudal lords⁽¹⁹⁾. It created a sort of balance between the rights and duties of the citizens (who are mostly free men), the commons, the Church and the king. The charter set rules governing the king’s spending of the country’s finances, the right of parliament to declare its rejection of the decrees which contradict the interests of the people, and preventing the arrest or using force against, dispossessing or banishing any person, without fair trial⁽²⁰⁾.

In 1265, participation in the parliament widened as it included two citizens from each borough and two noblemen from each county in addition to the categories it included before-the feudal lords and the Church representatives⁽²¹⁾.

This developing route was set back noticeably afterwards because of the Church Inquisition. It can be said that the concept of

citizenship was of meager content all along the European Middle Ages (AD 300-1300) although it kept putting up an appearance every now and then, especially in what concerns the right to hold high public office and political expression⁽²²⁾. It can even be said that it was in a general state of retreating⁽²³⁾ until the *Petition of Rights* was passed in England in 1628-the nucleus component of the English constitution after that.

Part One: Citizenship and Modernization

A) Modernization and its Manifestations from Epistemology to Political Philosophy:

Since the 16th century, modernization has represented a break with the Middle Ages with all their political, religious, social and ideological facets. The commencement of breaking with that medieval world was brought about by the collapse of the temporary power of the Church, the reversal of the religious vision of the world, the dwindling of the theological ideologies, the emergence of the rational political thought, the spreading influence of the religious reformation movement and the revival of the Greek heritage.

Naturally, this transformation did not take place all of a sudden; it was not a leap; it

rather happened gradually over four centuries accompanying the rise of the national state, the increase in the rate of political participation, the widening application of public laws or the legal charters which organize the political, social and economic relations of men⁽²⁴⁾. This coexisted with the power of the sword as the rule of the law existed with the rule of the sword at first. Relations were governed by the then power of the laws which existed side by side with the power of the sword⁽²⁵⁾.

This transformation with all its political, legal and historical aspects was linked to emphasis on humanism—the deep-rooted foundation of citizenship. The age of modernization stood out with its giving a high theoretical value to man who was epistemologically moved from the margin to the center. Reason, as Immanuel Kant noted, became the basic tool for knowing objects as “all our knowledge must conform to objects”. Hence, “This would agree better with what is desired, namely, that it should be possible to have knowledge of objects *a priori*, determining something in regard to them prior to their being given”. Thus the object as perceived by our senses conforms to the nature of our intuition. Hence, it is easy to imagine the possibility of this *a priori* knowledge. Both objects and experience,

alike, as Kant says, are a kind of knowledge which requires an understanding whose rules I keep before the objects are given to me, assuming their existence in an *a priori* manner, which expresses the *a priori* concepts that must necessarily conform to the objects of experience⁽²⁶⁾. Pure reason, or the thinking ego or subjective consciousness, is the base. Therefore, the essence of modernization lies in looking at man as the starting point and center of knowledge.

The age of modernization was also distinguished by giving an essential practical value to man's position in the community from the political, social and economic angles. He is the owner of a free will and is an effective agent in society, politics and economy, and indeed in the development of history itself. The theological effect retreated before the human effect. The authority of Monarchs receded before that of the citizens as “there emerged a new institutionalizing look to reason on which was built the political thought of political liberties and the democratic mode of governance”⁽²⁷⁾.

It appeared generally that the aspects of political, social and religious manifestations and the results of philosophy, science and art were manifestations of the human subjectivity. It is a thinking subjectivity

which is formed through the Cartesian *cogito* and pure reason with Kant and subjective consciousness with Hegel. Consequently, Darych Chaye Gan says,

In a nutshell, modernism awakens skepticisms as it generates imaginations more connected with the future. Starting with the 15th and 16th centuries, a unique phenomenon would happen in the context of the Western culture unmatched in all other civilizations. It is the birth of a new outlook to the world—a real mundane view which makes man’s subjectivity and his independence, as seen against the powers of nature, traditions and the customs acquired over several centuries, gain a new positive value, and make man’s mind the basis for all beings and all knowledge⁽²⁸⁾.

Thus, rationalism emerged to express the self and its effective role in knowledge and politics. Everything has become an object before reason that can assimilate, understand and judge it. Politics became drawn from the common reason through which man could impose his theoretical and practical control over the world—the universe and the state. The world became open to know epistemologically and to be reshaped politically. Hence, Alain Touraine argues, “The idea of modernity is closely linked to

the idea of rationalization; giving up one means casting away the other⁽²⁹⁾.” He adds that, “The specific nature of the Western thought, at the time when it lived its deepest identification with modernity, meant that it aimed to move from the basic, recognized role of rationalization to the wider notion of a rational community where reason rules not only the scientific and technical activity but also the government of people and the management of things⁽³⁰⁾.” He, thus, stresses the pairing of modernity and rationalism. The West, he argues, lived modernity thinking of it as a rational revolution against all forms of systems: religious, social, political and economic.

This modernity revolution with both its epistemological and practical aspects was the fertile soil in which the concept of citizenship grew in its more complete modernistic form, especially with the close link between the concept of citizenship and the concept of subjectivity as the essence of modernism. The concept of subjectivity makes up the content of what is called humanism. It is thus the centrality and reference of the human self with its affectivity, freedom, transparency and rationality⁽³¹⁾, on both the epistemological level and even that of the political theory. This is obvious in Hegel’s understanding of the concept of subjectivity

as it is related in Hegel to several modernistic meanings, summarized by Jürgen Habermas in four: individuality, right to criticism, independence of action and idealism itself. One of the characteristics of the modern times, and Hegel as well, is that philosophy perceives the idea which has consciousness of itself⁽³²⁾.

Habermas reveals the fact that “the principle of subjectivity” was led to by the major historical transformations, as Hegel sees them, such as the religious reformation, the philosophy of enlightenment and the French Revolution. Right and morals have become dependent on the presently existent will of man while in the past right and morals were dictated to and imposed on the individual⁽³³⁾.

Louis Dumont sums up five characteristics of modernism which are: individualism, priority of relation with things (as opposed to relations with people), absolute distinction between subject and object (as opposed to a kind of just relative distinction, even floating distinction previously), separating values from facts and ideas (as opposed to no distinction between them or largely mixing them) and the division of knowledge to independent levels (disciplines) which are analogous and homogenous⁽³⁴⁾.

Some determine other characteristics for modernism stating them as follows: 1- secularism, 2- rationalism, 3- science and its methodology, 4- belief in progress, 5- personal freedom, 6- liberal democracy, 7- respect of human rights⁽³⁵⁾.

The European modernity went through several stages⁽³⁶⁾. The basic principles of the Age of Enlightenment can be summed up in the following:

1. affirming the epistemological and political effectiveness of reason, rejecting prejudgments especially those based on or affiliated to the authority of religion, philosophy or politics;
2. reinforcing the independent nature of the ethical act, establishing its freedom and teleology;
3. crystallizing the concept of civil society as a counterpart of state authority;
4. free philosophical institutionalizing of a political system based on the social contract and supporting principles of citizenship, freedom and equality in addition to supporting separation of powers;
5. giving prominence to the idea of progress based on a historical understanding of the progress of communities.

France played a pivotal role in bringing about modernity at the end of the 18th century-the century which witnessed the birth of a landmark event that has been the greatest narrative behind the modern political thought and system, i.e., the French Revolution (1789). The United States played a role on the political level as well with the American Revolution, not on the level of philosophical institutionalization. In this sphere it simply drew on Europe⁽³⁷⁾.

Consequently, any description of modernism must include the political and social dimensions. Modernism is determined politically through establishing the state based on institutions through liberating the traditions of political practices for larger participation in public life, and socially by institutionalizing values, laws and rules away from ideological tendencies⁽³⁸⁾. Since the inception of the Renaissance up to the end of the Age of Enlightenment, several domains with direct relation to evolution and development of modern citizenship were reshaped, especially the domain of politics which was reshaped through the formation of the new organization of the state in Western Europe. Previously the state was based on a theological link between earth and heaven; the principle of authority was given from above; the Pope or the representative of God

on earth anointed and appointed kings and the emperors of the holy Germanic Roman Empire. It was the Protestant Reformation that brought about the first separation between the sacred and the temporal. The Reformation was meant to be a purely religious movement, but its breaking with the Papal authority paved the way to the independence of the state from the authority of the central Catholic Church and the beginning of its transformation to a national state in the modern sense of the word⁽³⁹⁾.

As a result of the formation and establishment of the new organization of the state in Western Europe, the idea of citizenship was also established especially in its connection with the political region or the province according to the constitutional system. The home country, as Kant says, “is the region whose inhabitants are citizens of one state according to its constitutional system; that is without any need for special legal evidence other than birth. As for the inhabitants who do not have the title citizens, they are externals. If this external is a part of the empire in general, it is called a province the sense given to the word by the Romans.”⁽⁴⁰⁾

In addition, the domain of law was reshaped away from the divine ecclesiastic

system, moving towards establishing a human political system based on citizenship. The Greek and Roman political thought had an influence on this movement⁽⁴¹⁾.

The justifications of the existence of the state are latent in it; they are not given from above; they arise and take justification from under, i.e., from the citizen. The establishing right is not a divine right; it is the natural right. This right is not God-given; it is the result of a social contract among the individuals or citizens who compose the state. The theories of the natural right and the social contract worked together to create, between the 17th and the 18th centuries, a new political philosophy which is the philosophy of human rights. This, at the time, simply meant the advent of a new principle of legitimacy to replace the religious legitimacy. The new principle centered on individuals as citizens who are equal before the law even if different in race, wealth, lineage or natural talent. Starting with the French Revolution at the end of the 18th century and against a backdrop of progress developed by « les philosophe des Lumières », a new concept saw the light of day: historicity. This concept, in its turn, is connected with the idea of citizenship. The political domain is not the only domain created by the citizens as a result of the

election of their will; it is also the social time. The society is not an *a priori* given. It is rather a creation of the citizens and the result of their collective effort. Once the society's mechanisms enter within the scope of consciousness, it becomes prone to continuous improvement. It does not repeat itself in infinite monotony; it achieves steady progress as a result of the volitional interaction of the citizen, whether through gradual reformation or revolution whose proponents have multiplied greatly⁽⁴²⁾ under the influence of the two revolutions: French and American.

Thus, the idea of citizenship was a part of an innovative, intellectual structure and a general mental system that distinguished the age of modernization. There is definitely more than one link between modernization and citizenship as perceived in the intellectual and political achievement's of modernization such as the natural law, human rights, the social contract, separation of powers and the constitutional government.

B) Citizenship, the Natural Law and Human Rights:

The modernistic concept of citizenship is considered one of the essential concepts on which liberalism was established since it crystallized in the 17th century in the

economic and political domains. The concept of citizenship is even esteemed as a key concept without which liberalism in all its aspects in the age of modernism cannot be understood. That is because all its concepts concerning freedom, individual, community, social contract, civil tie, political entity and political legitimacy are all connected structurally with the concept of citizenship as perceived by all the advocates of the liberal tradition: John Locke, James Madison (1751-1836), Baron Charles de Montesquieu, David Hume, Adam Smith, Diderot, D'Alembert, Voltaire, Thomas Paine, Jean Jacques Rousseau, Immanuel Kant. Each one of these built his political philosophy on the principle that people were born free; hence they are equal by nature in rights and duties, which is definitely the obvious meaning of the concept of citizenship.

The modernist concept of citizenship in the 18th century is radically connected with the concept of human rights as a well-rounded concept which did not appear in Europe except in the philosophy of the 17th and 18th centuries. It was a concept based on the notion of the natural law.

The "natural law" as the law underlying man's rights, most important of which is citizenship, is the law of nature. It is

independent of the state and stems from reason and man's nature. The individual is higher in status than the state, and individuals are naturally free and equal since nature signifies a higher law derived from nature rather than the rules of states or positive laws. The natural law represents the comprehensive general will. Thus, the natural law is the set of criteria derived from man's nature. It is made up, in LeClair's words of "a set of organizing principles of the conditions of any community as they suit the one nature of all people⁽⁴³⁾."

British philosopher John Locke sees the natural law as the source of freedom. Freedom necessitates every person's respect of the life and property of others⁽⁴⁴⁾. However, Lock adds that man cannot follow the law of nature all by himself; he needs rules and laws to organize his behavior⁽⁴⁵⁾, hence the need for the social contract. The theory of the social contact is one of the most important sociopolitical theories which influenced the Western liberal-democratic system. Locke faced political despotism by setting forth this theory based on the natural law method. That was because he did not recognize any divine right for kings and rulers since God created people as equal entities. Hence, Lock believed in the right of individuals to ownership.

The roots of the natural law can be traced back to the Greek in a context created by Socrates, Plato and Aristotle as well as the sophists, of the fifth century BC., based on their principle setting “man as the measure of things”—a principle that denies the divine origin of the law which is ascribed to man’s will and human conventions. Plato argued that the natural law precedes all laws; hence it is the ideal criterion of assessing and correcting the standing laws⁽⁴⁶⁾.

The Greek stoics argued that all people are equal. In this they followed the practices of Alexander the Great although slavery had become rampant at the time of the Empire to an unprecedented extent. In the light of this intellectual trend, the stoics introduced the distinction between the natural law and the divine law. The natural law generates the natural right, i.e., the right entitled to man by force of his human nature alone. This makes all members of mankind brothers whatever their origins, races and languages. They are subject to one law which is the natural law that may not be contradicted by provisions of a positive law⁽⁴⁷⁾.

However, the concept of natural law gained widespread use in the European 17th and 18th centuries, taking a new turn. Most important among its advocates were Hugo

Grotius, Baruch de Spinoza, Locke, Rousseau, Montesquieu, Kant and others who emphasized the naturalness and rationality of the society in its new system and that man and the society have an autonomous nature with its distinguished law that imposes itself. One may not interfere to block it. Therefore, this means the necessity for the rules of social and human behavior to represent a natural adhesion to the nature of man and the society. It also means that man is rational and good by nature⁽⁴⁸⁾.

Many thinkers and philosophers of the age of modernity argued that the natural law should be considered the basic source for the fixed rights of the individuals; some even described it as a part of the divine law. However, the Dutch jurist Hugo Grotius (1583–1645) separated the natural law and the divine law, making the first the principal source of worldly laws which he saw as based on logic and rationality. He concluded that everything that conforms to the natural law is legitimate and just, and everything that goes against it is illegitimate and void. Grotius’ writings paved the way for thinkers and philosophers to consider human rights and their legitimacy as natural rights. Grotius’ ideas were behind most theories of natural law introduced by Locke, Rousseau and Kant, which made the Italian philosopher Giambattista Vico to describe his

book *De Jure Belli ac Pacis* (1625; *On the Law of War and Peace*) as the legal reference of mankind⁽⁴⁹⁾.

Political and legal philosophers in 18th century Europe sought to establish the concept of "natural law" philosophically in order to emphasize citizenship, considering equality in human rights and duties as natural rights and duties. This means that they are derived from an authority higher than that of feudalism and the state as the holder of the temporal power makes worldly laws. This authority also surpasses that of the Church as the holder of the spiritual power which makes the laws organizing spiritual life with divine authority. Facing the authorities of the Church and the State, the natural law emerged to emphasize equality and citizenship depending on its higher authority which is of the same material of the natural laws, whether it is the human nature or the nature of the universe. It is no doubt stronger than that of the state, the Church and the feudal lords, imposing its influence on all of them as laws common to all individual and as more essential than any differences among them because of color, race, religion, sex or class.

Therefore, Montesquieu (1689-1755) said that the general law which governs the

universe is the natural law, and as people need laws to organize their relationships, they had to create what they need of laws derived from their natural rights and subject to the criteria of the human mind. This mind is what should govern the citizens⁽⁵⁰⁾, and it is what reveals that "the interest of individuals must always be found in the public interest, and that the desire to be separate from the group is a tendency to self-destroy. Virtue should not be considered costly or painful, and equality with others is not charity but a good service we render ourselves⁽⁵¹⁾."

The law should look for what is right and what conforms to its values from the legitimate point of view, seeking the fulfillment of justice⁽⁵²⁾. One of the most important duties of the government is to secure these laws, guarantee commitment and enforcement, and not to try to change them at whim or without necessity. When there is a necessity for change, it has to be done very cautiously and with a "trembling hand" as he says⁽⁵³⁾.

Montesquieu sees the freedom of the citizen as the "right to do all that the laws permit"⁽⁵⁴⁾, but when there is a transgression, there is no guaranteed freedom, and no protected rights, as in this case "there will not

be freedom (law) to resort to as the others will have this right as well⁽⁵⁵⁾.”

For Thomas Paine (1737-1809), author of the American Revolution pamphlets, the concept of citizenship is connected to how people freely practice their natural and civil rights. Paine sees the natural rights as man's right to existence from which arise all intellectual or mental rights and the rights of action as a person seeking happiness and comfort provided he does not infringe on the natural rights of others. As for the civil rights, they are the rights that concern man's right to exist as a citizen and a member of a community; among these are all the rights connected with security and protection. A part of the natural rights, such as religion, can be enjoyed by the individual completely without the help of the government. Another part cannot be enjoyed in full by the individual, so in order to gain them the individual deposits them in the public domain of the community. That is to say he gives up personal acquisition of these rights in return for civil rights where the society supplies him with the ability to enjoy. In this way the civil authority becomes some sort of common capital of the citizens in a civil society. The citizens share the right to be rulers in what concerns their own issues; they establish a government to handle their

conflicting questions. However, the authority of the government (the state) is nothing more than the collective authority of the citizens; it cannot be used to violate the rights which they guard for themselves since these rights were granted by God to man; they are inviolable and cannot be annulled⁽⁵⁶⁾.

Therefore, the modern concept of citizenship can be traced back to its true source in the liberal natural rights tradition based on natural freedom and equality among people. This natural equality of rights arises from the fact that the human nature common among people is more intrinsic than any differences among them on the basis of color, race, religion, sex or class.

No doubt, equality based on the concept of natural rights necessitates that these rights should take a position ahead of any other of the government's since the government comes at a later stage, and humanity that is free and has equal rights and duties is naturally born. Humanity then precedes government in existence, which necessarily entails that the government cannot pass a law or take action in a manner that contradicts the natural rights of man even if this was supported by the majority. This is the essence of liberalism and the base of the concept of citizenship in the liberal tradition.

One approach used by the philosophy of the Age of Enlightenment was portraying the idea of citizenship as linked to the natural law which had its sources in the European history. They referred back to the Greek and Roman philosophers. The legitimacy of the idea was derived sometimes from nature and sometimes from history.

When the idea of citizenship appeared in the 18th century, it was not an isolated orphan of an idea; it was rather a part of the thought system of modernization which emphasized the natural law, human rights and rejection of the authority of both the feudal lords and the Church. A “citizen” in the liberal tradition in the 18th century was a member of the political community who enjoys rights and does the duties of membership according to the natural law and the principle of the natural rights. This extended definition can be seen with slight differences in the works of the previously mentioned thinkers, e.g., Montesquieu, Rousseau, Kant, Paine, etc.

C) Citizenship and the Social Contact:

The association of modernization and citizenship becomes even more obvious on additionally considering the other political intellectual achievements of modernization, such as the idea of the social contact of the Enlightenment philosophers like Rousseau,

Kant, etc., and the philosophers of the Age of Reason (the 17th century) with all their points of agreement and disagreement. They all agreed that the individual is the unit of community and state as they did concord on distinguishing between the “natural condition” and the “civil condition”. However, there are some differences as to the definition of the “natural condition” which precedes the civil condition, i.e., which precedes the existence of society and the state. Thomas Hobbes saw the natural condition as a state of war, “every man against every man,” where the applicable laws are those of war and its passions and not justice⁽⁵⁷⁾. In contrast, Locke and Rousseau saw this natural condition as a state of peace. Locke sees individuals in nature as free individuals with three natural rights: right to live, right to be free and right to own. The function of the social contract between the ruler and individuals, who turn according to the contract into citizens, is to protect these three natural rights.

However, all these 17th and 18th centuries’ philosophers agree that both state and society are not natural, but artificial despite the dire need for them. Hobbes and Locke among others emphasized the need for the state to limit the conflict among the individuals within the society.

It seems that the idea of the transformation from the private domain to the public domain was established at the Age of Enlightenment with the idea of the social contract which took a clear shape in the liberal tradition. The public domain, i.e., the society, had become one large family to which all belonged⁽⁵⁸⁾; hence the idea of citizenship, as belonging to the society above all other kinds of belonging, took deep roots.

If the social contract depends on dividing the society of people to the natural condition society and the civil condition society, Montesquieu underestimated this division in the social contract which was emphasized by Lock then Rousseau. Man is born in a society, so there is no meaning of discussing the source of society and government⁽⁵⁹⁾.

However, while Montesquieu avoids the “natural condition”, he hints at the condition preceding the “civil condition”. He says,

Before laws were made, there were relations of possible justice. To say that there is nothing just or unjust but what is commanded or forbidden by positive laws, is the same as saying that before the describing of a circle all the radii were not equal⁽⁶⁰⁾.

David Hume rejected the idea of the social contract as a notion that is not realistic and had not happened. Man is born in a

society that is already subject to government. He is obliged to obey it, with the exception of a few who rebel against the government and prefer death to obeying the law. The idea may lead to chaos and hence was feared by Hume⁽⁶¹⁾.

As for the American thinker Thomas Paine, who advocated the idea of the social contract, he shrank the idea of the state and called for citizens joining civil voluntary institutions which depend on their cooperation, then the cooperation of institutions, then the formation of one institution of the free citizens that becomes an alternative for the state⁽⁶²⁾. Paine did not call for a contract between people and their rulers; he rather argued for one contractual act though which

[T]he individuals themselves, each in his own personal and sovereign right, entered into a compact with each other to produce a government: and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist⁽⁶³⁾.

This contract does not create a sovereign government. It creates a sovereign society or a sovereign nation. The form of the government is determined according to the relation of the civil society to the state. Thus,

Paine divided the forms of governments into two: despotic government and representative government. There are government which hold the state high, putting the state above the society (which Paine calls hereditary governments). These include monarchic and aristocratic government. Paine sees all such governments as despotic by its nature, and that it is impossible for the despotic systems, such as the ones that had existed until then, to start through any other means than total violation of every sacred and moral principle. He concludes that the despotic governments have no right to exist. The other form of government is the one than holds the authority of the society above that of the state. It is found in the representative government which is the only legitimate form since it is the only one based on the right of the nation to govern itself, and since a group of citizens had a contract among themselves to form a government, the final right on which such a government is based is the natural right of every citizen to govern himself⁽⁶⁴⁾.

Rousseau sees the social contract as expressing the will of the people; it is the necessary condition for instituting a society, and hence for establishing authority. The model of the legitimate authority is the one which realizes personal freedom for the

individual and which guarantees him social insurance.

Rousseau was wondering:

The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before⁽⁶⁵⁾.

This authority arises from the social contract among all the parties. It is not an adhesion contract; it is rather a partnership contract where the people remain the source of the legitimacy of the political system; it is the source of authority as well as the practitioner of this authority⁽⁶⁶⁾.

Rousseau distinguished between government and sovereignty as the contract is not between the people and the government. It is entered into by all the citizens. The right to pass laws and make decisions is not transferred to the government. He says,

It is not a contract in which conditions were laid down between the two parties binding the one to command and the other to obey. It will be admitted, I am sure, that this is an odd kind of contract to enter into⁽⁶⁷⁾.

This includes an obvious criticism of Hobbes who argues in his view of the social contract that a person transfers his freedom to another person (or group of persons), and thus becomes one of the subjects dominated by the ruler who is sovereign, i.e., wielding absolute power. This power includes the right to take any decision, whether political, economic, social or legal, i.e., the rights of passing laws, declaring war or peace, approving the ideas and beliefs that the subjects have to adopt in order to keep peace, the right to bring to trial and to punish or reward, the right to grant honorary titles, and the right to select all councilors, ministers, administrators and officers. The ruler is the Sovereign who holds all the powers which are a whole, neither divisible nor transferable⁽⁶⁸⁾.

Here Hobbes and Niccolo Machiavelli agree on rejecting popular will⁽⁶⁹⁾ as they also concord on being partial to the ruler. Machiavelli says, “it is necessary for a prince, who wishes to maintain himself, to learn how not to be good, and to use it and not use it according to the necessity of the case⁽⁷⁰⁾.”

This is the civil state that people are transferred to from the natural condition, and hence become citizens for Hobbes! He says,

I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner⁽⁷¹⁾.

Here, the difference between Hobbes and Rousseau becomes discernible in what becomes of the citizen according to the social contract which is not a formal contract for Rousseau as it is for Hobbes. For Rousseau the contractors are the political institutions; they make the common legislative council or the sovereign council. He says that those who obey the law should make them⁽⁷²⁾, and that the depositaries of the executive power are not the people’s masters, but its officers; that it can set them up and pull them down when it likes⁽⁷³⁾. Locke as well gave the people the right to depose the government. If it abuses its powers, breaching the social contract, the people have the right to disobey and depose it⁽⁷⁴⁾.

Rousseau sees the social contract as a contract according to which every individual gives up himself and his rights to the general will and each citizen becomes an indivisible part of the whole⁽⁷⁵⁾. Under this contract, the laws are passed. The contractors have agreed to be one body when they make the laws and to obey them as citizens. These laws protect the freedom of the homeland; they are even the source of freedom.

There are always duties as counterparts of the rights. So, under this law the individual will puts itself at the command of the public will which is not an authority or an institution; it is rather the inner conscience of every citizen in the community. Hence, obedience for Rousseau acquires a new meaning; it is a horizontal obedience where everyone obeys the public will. Each, while uniting himself with all, may still obey himself alone, and remain as free as before⁽⁷⁶⁾.

The individual simultaneously unites with others and obeys only himself, so he remains as free as he was before as the essence of the political entity for Rousseau as a union of freedom and obedience. Freedom, despite being the essence of citizenship, is not absolute. Rousseau says,

As the body politic, or the sovereign, derives its very existence from this inviolable contract, it can enter into no lawful engagement, even with any similar body, derogatory from the tenor of this primitive act; such as that of alienating any part of itself, or of submitting itself entirely to a foreign sovereign. To violate the act whereby it exists would be to annihilate itself⁽⁷⁷⁾.

The relation among citizens is not a hierarchical relation between ruler and

subject. It is a horizontal one. This stands in contrast with the views of the other social contract philosophers who considered it a contract between the ruler and the citizens. The ruler is subject and the citizen is no more object but also a legal subject and an autonomous entity just like the ruler. The contract is thus entered into by two parties of full capacity where one party cedes to the other the right to issue executive orders. In all cases, the social contract is nothing but ceding a part of this freedom and a part of that equality so that a body of equals can run the necessary affairs according to a social contract based on rules approved by all.

However, Rousseau as previously mentioned argued that under the social contract the individual's will submits to the general will while this general will is not a public authority or an external institution; it is the inner conscience of every citizen in the society where all obey *la volonté générale* (the general will), and as in the lines above *each associate, while uniting himself with all, may still obey himself alone, and remain as free as before*. Thus the identity of the citizen lies in the civil state.

Thus, Rousseau moved, through the social contract, from the natural condition to the civil condition, and from the concept of

natural rights to the concept of civil freedom where all citizens enjoy equality and justice. The social contract for Rousseau is the basis of legitimacy and the source from which the government springs as a condition for keeping the order of the society. The constitution is the text of this contract and the expressive tool of the will of the people if it is expressed within a genuine contract as Kant would say. The best constitution, in Kant's view, is the republican one as it is based on this original contract⁽⁷⁸⁾, i.e., a contract among the citizens for instituting a general collective will. The citizens entrust the three powers to represent this will as the general will of the people is the source of the genuine contract and also its product, and hence it is sovereign.

It should be taken into consideration, however, that the genuine contract for Kant is not a historical fact; it is indeed impossible except as a useful idea to motivate the legislators to respect a general will which is seriously taken for granted. But if the genuine contract is nothing but a measure for judging ruling systems, so is the general will that is derived from it⁽⁷⁹⁾.

This is on the theoretical philosophical level. As for the practical level, the concept of citizenship came out distinctly in its

connection with the concept of social contract and the system of human rights in general in the last quarter of the 18th century in the introduction to the document of the US Declaration of Independence in 1776:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and happiness⁽⁸⁰⁾.

The document of the Declaration of Independence is obviously inspired by the ideas of the social contract in its more liberal wing which gives the people the right to withhold confidence in the government as opposed to the other wing, represented by Hobbes, which considers the contract as a final concession granted to the government that has thus the right to rule without consulting the people.

Part Two: Citizenship and the Imperative Coexistence of Civil Society, Democracy and Separation of Powers

No civil society can exist without citizenship, and no citizenship lives without democracy. Additionally, no true democracy can exist without citizens, in the real sense of the word, who practice it, and according to it organize their relations with one another, on the one hand, and with the state on the other. With the same logic, it is not possible for the practical results of citizenship to materialize in any democracy without separation of the powers. The civil society, democracy and separation of the powers are a conjoined triad necessary for realizing citizenship. This concomitant existence of the three elements appeared in its most evident form in the 18th century philosophy.

A) Civil Society and Citizenship:

The fertile soil for the growth of citizenship in the 18th century and up till now has been the civil society. It is one of the horizons against which the citizens move, and it is the general structure which assembles them before the state. Before shedding light on the meaning of the civil society and its relation to citizenship in the Age of Enlightenment, it is necessary to point out that the term “civil society” has a

genuine history. It emerged in tandem with capitalism and the development of the modern state. It also has roots in the Western philosophical tradition as four roots of the civil society exist for the modern Western thought, especially in the 18th century.

The first root is connected to John Locke-together with Thomas Hobbes-who emphasized the need for a state to put a limit to the conflict among the citizens in the community. Locke’s more important contribution is in his emphasis of the need to put a limit on the sovereignty of the state so that the citizens can keep their freedom which is derived from the natural law, hence, the necessity of a social contract between the rulers and the citizens. This will secure the respect of the natural rights of the individuals and at the same time allow the state to protect the society against lethal conflicts.

The second root is linked to Thomas Paine and the Scottish Enlightenment movement. Paine and his colleagues attempted to prove that the society becomes “civil” when the commercial and industrial activities extend to the different work sectors. As the state expands and magnifies its role in imposing order and diminishing conflicts, it may also threaten the essential liberties which are required for the civil society to

flourish. From their free liberal perspective, the civil society would not develop unless the individuals are capable of practicing their natural rights freely; that is to say when they become citizens. The market gives us the opportunity to develop the civil society more than the state can do because the limits imposed on the citizens' ability to satisfy their personal desires can only be overcome by commercial exchanges. Paine defended the social society institutions against the government, seeing it in a way different from that of Hegel, and showing some unlimited enthusiasm for the civil society⁽⁸¹⁾. He says, "Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one"⁽⁸²⁾.

Paine considers the civil society a basic natural condition for the freedom of the citizen. Consequently his ideas were some of the main tributaries that fed the river of the American civil society with all its effectiveness and dominance over the state. In contrast to Hegel's view of the state, Paine does not consider the state a condition for the establishment of the society since "nature is orderly in all her works". That is why all the various elements of the civil society merge spontaneously in a harmonious way⁽⁸³⁾.

The third root has to do with Alexis de

Tocqueville (1805-1859) in the 19th century who did not only dread the extent of state power, but also the possibility of the tyranny of the majority. He considered the social societies the stronghold protecting against these two threats facing individual citizens. He argued that the self-run societies were capable of representing the popular will, and hence they provide a stable base for self-rule. Such civil societies educate the masses and control the acts of the government. Moreover, the civil society facilitates the distribution of power within the society and gives the citizen the right to participate directly in running public affairs.

The fourth root has to do with Hegel and the extension of his thought in Karl Marx and Antonio Gramsci. Hegel had effected a rupture with the traditional view of the civil society as a natural phenomenon. Instead, he considered the civil society a practical extension of particular historical processes, and saw that the division of labor creates a class system in the society provoking more class conflict. The civil society as he saw it exists in all societies, companies and basic society classes. The form and nature of the state are a result of the way in which the civil society is formed. This society has a place between the citizens and the legislative council which represents their interest to the

state. The conflicts that rage within the civil society because of these processes lead to its destruction in the absence of a strong state. Hegel's organic look see the state existing to protect the public good-as it sees it-through interference in the activities of the civil society.

Marx followed this string supposing that the civil society is created in the capitalist societies by the bourgeoisie. Therefore, Marx claimed the civil society falls captive in the hands of the economic structures which it cannot change on its own. The revolution which goes beyond the civil boundaries of the civil society becomes thus necessary to start the project of change.

As for Gramsci who supports the Marxist analysis of the civil society, he avoided the economic delineation of Marx, his intellectual teacher. He argued that the civil societies are mechanisms for practicing control over the society. They are autonomous agents within the society; hence their role as an effective mechanism of changing the conditions of workers and peasants cannot be ignored. The authority practiced by the dominating class can be overturned through developing the societies which have parallel dominance and represent alternative ways of societal development.

The primary roots of the concept of civil society in the modern political philosophy in the West are found in the concepts which matured within the idea of general citizenship and theories of social contract, in particular, such as the concepts of "natural condition", "civil condition", "society compact" and "government compact". When these concepts "have fully matured with both Locke and Rousseau, the concept of civil society emerged as if it were the sought end"⁽⁸⁴⁾.

The spread of the term "civil society" is directly ascribed to the Age of Enlightenment, especially the book that rendered this term famous, *An Essay on the History of Civil Society* (1767) of the Scottish philosopher Adam Ferguson (1723-1816)⁽⁸⁵⁾.

Ferguson's book was translated into German one year, (1768), after its publication in English. Kant knew of this book as he mentioned it in paragraph 83 of his *Critique of Judgment*. Hegel also knew of it and spoke about it in his *Early Theological Writings*. Michael Inwood says, "The expression *bürgerliche Gesellschaft*, [civil society] .. owed its popularity in Germany to Ferguson's *Essay on the History of Civil Society* (1767, translated into German in 1768)..."⁽⁸⁶⁾. Subsequently, it was known to

Hegel since an early period, but it became full-blown for him as he deemed it the domain where the citizens unite “in accordance with their interests and where the civil societies interact thus in a relation, and often in conflict. In this the social life gets a totally external system arising from mutual determination and consistency of the needs as imposed by collective legislation”⁽⁸⁷⁾. But the civil society is “unstable”⁽⁸⁸⁾, which necessitates the role of a higher entity to restore its stability. This higher entity is the state in the eyes of the totalitarians while the liberals see that the judiciary is up to this job, the role of the state being confined to monitoring, support and bringing court rulings into force. T. H. Green, for instance, argues that the state is only a judge to settle the citizens’ differences in all aspects⁽⁸⁹⁾.

The concept of citizenship came to put a decisive end to the conflict which raged in the modern European times among three bodies: the state as an expression of tyrannical political power, the Church as an expression of the religious power which has a monopoly over the absolute truth, and the society which expresses the interests of the citizens.

Therefore, the attitude towards the relation among the poles of the conflict was

each party standing to face the other two, especially when each gives itself the right to dominate the others. The three parties were in conflict, each seeing the others as opponents. The civil society stood polarized against the state and the Church; its existential entity is determined as “other” entity facing the tyrannical political power and the religious ecclesiastical authority. This historical experience proved the unsuitability of the rule of the clergy or the religious ecclesiastical authority. It further proved the grievous error of the totalitarian views which advocate total hegemony of the state over the civil society.

In his book, *Enlightenment’s Wake*, John Gray argues that the hegemony of the state over the civil society will lead to its ruin, but leaving the civil society work without interference within a legal system will lead to its growth and progress, just like the market which grows as a result of individual initiative and free enterprise⁽⁹⁰⁾.

The civil society presents collectives ties that can do a great deal to the general society; it can even accomplish what no government can in dissolving the unenlightened, egotistic disputes among individuals. Robert Wuthnow affirms a similar meaning⁽⁹¹⁾.

The relationship between the government

and the civil society will not be set straight without separation of the three powers: legislative, judiciary and executive as Montesquieu explained in his *De l'esprit des Lois (Of the Spirit of Laws, 1748)* as he launched a scathing attack on absolute power⁽⁹²⁾. If the society in its general sense wants to realize legal justice and enlightened equality among the citizens; to eliminate discrimination, alienation, separation and accumulation of power; to secure public liberties; to reinforce the peaceful nature civilized nature of the conflict, the only means to do that is to institute the principle of the separation of powers. Democracy will have no effect without this separation as Locke said in the Age of Reason as well as what Montesquieu, Rousseau, Kant and Hamilton said in the Age of Enlightenment.

B) Democracy and Citizenship:

Democracy means that the citizens, who are the collective populace of the nation, are the source of the legislative, judiciary and executive powers. Accordingly, democracy is the rule by the people for the people. This is the principle and meaning of democracy. Etymologically, it is a Greek term *dēmokratiā* which is composed of the two words: *dēmos*, [people] and *-kратиā*, [-cracy]—the rule of the people. Athens and

the Greek cities in the period from BC 335 to BC 578 were under the rule of the so-called direct democracy. However, this Greek democracy excluded women and slaves, and did not know the concept of the rights of the citizen as we know it today⁽⁹³⁾.

In the modern times, one of the most important thinkers who advocated democracy is John Locke who argued that “anarchy was not the only alternative to absolute government as there is the restricted constitutional government which precludes anarchy and absolute rule at the same time”⁽⁹⁴⁾. He said that citizens cede a part of their freedom to rulers in return for keeping the peace and protecting mutual interests within a democratic frame. This ceding of part of personal liberties to the central authority is restricted by a treaty, a contract or a constitution agreed upon by the citizens and rulers. The legitimacy of the rulers is void in the absence of such a contract.

Locke's ideas influenced the American leaders, such as Thomas Jefferson (1743-1826), the third American President (1801), who played a role in the American Revolution against the British Crown in 1776. He wrote the *US Declaration of Independence*, and adopted all Locke's ideas which he included in the Declaration. When

he was a governor of the State of Virginia (1779-1781) he issued the Virginia *Act of Establishing Religious Freedom*.

Furthermore, another great advocate of citizenship and democracy in the United States was Benjamin Franklin (1706-1790) who helped draw up and sign the Declaration of Independence and the Constitution. Another democracy advocate from the Age of Enlightenment who preceded the American Enlightenment thinkers is Montesquieu who also, besides Locke, had a clear influence on their vision of the form of the political system. His book *De l'esprit des Lois*, in which he called for democratic rule and argued that the "nature of democracy makes the people king and subjects at the same time"⁽⁹⁵⁾. He played a role in the debates among Hamilton and other American enlightenment thinkers on the ideal democratic federal system which the United States should follow.

The direct inspiration of the French Revolution was drawn from Rousseau who established the roots of democracy in his book *Du contrat Social* in addition to other writings as shown before. Rousseau saw in democracy an image of a union which can, through all the associated powers, protect all the persons of the assembly and their

property while each individual stays free⁽⁹⁶⁾. Every citizen who is a member of the Sovereign (body politic) with the other members is also a member of the state⁽⁹⁷⁾. The citizens are the law-givers and obey only the laws they pass⁽⁹⁸⁾. The representatives chosen by the Sovereign to form the government are mere officers, just agents, who possess no power of decision making; they are not masters; they are rather servants of the people⁽⁹⁹⁾. This is the essence of democracy.

Rousseau left an immense influence on Kant, which was evident in Kant's view of the democratic system. He described the democratic system as meaningless without full-capacity citizens. The whole political system for Kant depends on the concept of the citizen. The state is composed of members and these members are the citizens whose legal attributes that describe their identity in the democratic system are:

1. Legal freedom: not recognizing any law other than that agreed upon;
2. Civil equality: not recognizing the supremacy of any one of the people except for that who has legal obligation and the people can hold him committed;
3. Civil independence: the citizen not owing his existence and survival to anything but

his own rights and capacities as a member of the state, not to the whim of any one of the people. This is the civil personality which entails that in affairs of the law and rights no other person can substitute for or represent the citizen other than himself⁽¹⁰⁰⁾.

However, Kant discriminates between active and non-active citizens as the civil personality is not enjoyed by women, minors and the wage-earners who depend on the will of others in spending and protection. These have neither the right to vote nor the right to participate in law making. Their lack of the civil personality, nevertheless, does not deny that they are people with rights of freedom and equality as human beings, but not having capacity as civil citizens. The active citizens also do not have the right to make laws which contradict the natural right of freedom and human equality. The non-active citizen can rise to the status of an active one through his efforts and endeavoring to possess the will that can make him independent from the will of others⁽¹⁰¹⁾.

The citizens are the basis of the state; they compose the people. This people is the Sovereign-it is the source of all powers. Both the constitution and the law draw their legitimacy from the people. They are issued

by the approval of the people and its will. Therefore, the state has to adopt the laws which secure the rights of all citizens⁽¹⁰²⁾.

The democratic republican system, which adheres to the principle of right, is not only based on the separation of powers, but it is also dependent on parliamentary representation where the citizens choose their representatives in the legislative councils. The parliamentary representative system is the best system; it is even the only system Kant recognizes for establishing a republican government. A government based on any other system is a tyrannical one even if its constitution claims it is a republic! A government has to be representative⁽¹⁰³⁾.

Kant claimed that in the republican system the citizens make the laws through their representatives, and since the citizens wish to secure their rights, they ask their representatives to make the laws which are meant to protect their rights⁽¹⁰⁴⁾. The representatives represent the unified public will of the citizens⁽¹⁰⁵⁾. Therefore they have to do everything that can emphasize and protect the rights of the citizens⁽¹⁰⁶⁾.

The democratic republican constitution is based on three principles with direct relation to the citizen. These are:

1. Freedom:

According to the external legal definition, not the metaphysical one, it means the citizens should not be subjugated to any external law except the laws he approved according to the democratic systems. Citizens in a republic enjoy individual freedom.

This does not mean a rejection of divine laws since the laws of God which a person cannot know but through reason are binding to the person only in as far as I can grasp and accept them. Kant says,

I am bound by no obligation even with regard to Divine Laws — which are apprehended by me only through my reason — except in so far as I could have given my assent to them; for it is through the law of liberty of my own reason that I first form for myself a concept of a Divine Will⁽¹⁰⁷⁾.

Kant refuses to define the citizen's freedom as a privilege to do what he likes without harming anyone since this definition is taken for granted. What is the meaning of this privilege here? "It is the possibility of actions which do not lead to the injury of others" Thus freedom is the possibility "to do whatever one likes, so long as this does not wrong anyone else"⁽¹⁰⁸⁾. Kant's maxim of right is that "the freedom of the agent must

be consistent with the freedom of every other according to a universal law"⁽¹⁰⁹⁾.

2. Legislation which applies to all without exception as subjects:

All, with no exception, submit to a common legislation as subjects. All are equal before the law; no one whatever his position or status can set himself above the law or oblige another to obey the law unless the law gives him this right obliging that other individual as well to submit to the law at the same level and degree.

3. The right to equality among the citizens:

All are equal as members in the state, i.e., in their capacity as citizens. In the republican constitution there is no question of speaking of hereditary nobility; posts are not given according to noble birth or bloodline; they are given to efficiency, ability and devotion to work. The universal will of the people - expressed in an original contract which is the fundamental principle of all right - would never consent to giving any post to a person based on bloodline and not efficiency⁽¹¹⁰⁾.

The democratic ideas of the Age of Enlightenment philosophers and others in the domains of politics, economics and sociology, in addition to the accumulation of political, economic and social developments,

were the background against which the Western peoples moved one after another towards political change-true democracy and citizenship. The French Revolution erupted in 1789 to break the chains and put up the slogan *liberté, égalité, fraternité*-a slogan adopted by all democrats⁽¹¹¹⁾. Before that the American Revolution (1776) broke out, and after that several revolutions swept Europe seeking democracy, freedom, spreading justice and moving from the concept of subjects to that of citizens. These upheavals achieved different forms of democracy which does not have one model as a mechanism or form of government and power transfer. Democracy does not have a fixed content since this content varies across different communities and ideologies.

Unfortunately some thinkers stigmatized democracy as the rule of the mobs. For instance, Plato expressed the views of a conceited, parochial elite which is no better in their rule than theocracy⁽¹¹²⁾.

The 18th century philosophers proved these views untenable as they are elitist and contradictory with the interests of the citizens and the natural law. Partiality to the good of the citizens opens the way to democracy and gives the civil society its appropriate space. I believe a real civil society cannot stand

without activating democracy in it and in every section of the general society. Democracy in the civil society is not isolated from democracy in the rest of the general society. If democracy is the ideal method for running the civil society, it cannot realize its aims, and cannot even be a true democracy, without flowing to all sectors from the ground up, so that it can become complete with no truncated parts as it is in its traditional Western meaning or its false oriental one; both meanings are deficient forms of democracy.

The 18th and 19th centuries produced writings and talks which claimed that curing the ills of democracy can be achieved through more democracy. Instances of such writings are the documents of human rights, written constitutions, universal suffrage, secret ballots, equal electoral constituencies, rotation of posts, compulsory education, etc. If political democracy and human rights and such principles were applied, this will lead to social and economic justice⁽¹¹³⁾.

Thus democracy will become the greatest security for social peace and even international peace. It is rare when two democratic countries engage in war against each other. This is an idea that can be traced back to Kant who sees that the people who

governs itself is more reluctant to pay for the war costs or to confront another democratic people. Such persons are more aware of the war costs in terms of lives and resources. War also incurs debts which in turn cause more wars. It stunts the growth of the human nature and movement from the state of nature to the state of civil society. Kant says,

Through wasting the powers of the commonwealths in armaments to be used against each other, through devastation brought on by war, and even more by the necessity of holding themselves in constant readiness for war, they stunt the full development of human nature⁽¹¹⁴⁾.

This state of peace can be supported by establishing a cosmopolitan association of democratic countries which adopt republican constitutions and live under the sovereignty of the law. In the first article of final articles for achieving perpetual peace Kant stipulates the necessity of a republican constitution for the state. This republican constitution is a guarantee for realizing democracy in every state, and hence secures peace with the aforementioned set of principles⁽¹¹⁵⁾.

This is what is related to the state itself. As for what is related to other states, the second article in Kant's vision stipulates that "The Law of Nations Shall be Founded on a

Federation of Free States⁽¹¹⁶⁾.

Democracy is then a necessary condition for establishing peace and its greatest guarantor. Kenneth Waltz endeavored to prove that although Kant called for perpetual peace, he did not consider this project practically feasible. What Waltz claims definitely contradicts the evidently clear text of Kant's *Perpetual Peace*⁽¹¹⁷⁾.

On the other hand, Western democracy is in a continuous process of self rejuvenation and rectification as it is not an idealist system in an absolute way, just like any other human system. When it is applied with honest efforts, it is the system with the least defects. These defects can be shrunk through keen continuous efforts of self-reform together with developing and renovating its mechanisms to adapt to the changing conditions. This is what happened with the French Revolution which kept renewing its mechanisms over to centuries. However, despite the incessant renovation and self reformation over many phases, it is still not complete and the concept of citizenship still needs to be extended to include all without discrimination. This is what happened in the United States which did not reach, in one step, a relatively complete concept of citizenship with the

American Revolution. Its democratic mechanisms have not been relatively adjusted until it passed through several stages following the revolution. I believe it still has other stages of development and continuous self reform ahead of it in order to renew its mechanisms. The contemporary Western World, which puts up the slogan of democracy, still has several non-democratic aspects⁽¹¹⁸⁾.

C) Separation of Powers and Citizenship:

The theory of separation of powers is definitely one of the most important contributions of the liberal tradition to pave the road for really establishing citizenship. It is a pillar of democracy as it guarantees that no power would overstep another, hence the protection of citizens against the tyranny of any power. When one power transgresses the other powers stop it. Political freedom cannot exist without separation of the three powers: the legislative, the judiciary and the executive to guard against tyranny or abuse of power. It is necessary, as Montesquieu says, “for each branch of government to limit the power of the other two branches”. It is a grave mistake for all the powers to accumulate in one hand or one group; this is despotism and the loss of the citizens’ freedom⁽¹¹⁹⁾.

The theory of complete separation of powers in the form presented by Montesquieu goes beyond that of John Locke as the latter argued that “the best form of government is the constitutional monarchy where both the executive and judiciary powers are in the hands of the king, and the legislative power falls in the hands of a parliamentary body elected by the people”⁽¹²⁰⁾.

The theory of the separation of powers was reinforced in Kant’s writings considering it a security of the rights of the citizens and further deepening of the political freedom in the state as well as a means to bar tyranny. Kant refused the concentration of the legislative, executive and judiciary powers in the hands of the monarch in contrast to Hobbes⁽¹²¹⁾. He further emphasized that the power that has sovereignty is the legislative one, just like Locke’s view and what Adam Smith as well opined in *The Wealth of Nations*. Rousseau’s idea of the general will continued to flourish with Kant and came to denote the state which is composed of three powers. However, Kant repeats the idea that the legislative power is the unified collective will of the people. It makes the laws, so when it is obeyed by the citizen he obeys the general will. There should be a separation between the legislative power and the

executive power in general⁽¹²²⁾. This would guard against the general will taking a turn towards the interests of the members of the executive power and against transferring sovereignty from the legislative power (its sovereignty being established by virtue of its representation of the people) to the government.

Separation of powers is at the heart of the democratic system which loses its meaning if it lacks full-capacity citizens. The whole political system as Kant sees it is based on the concept of the citizen. The state is made up of members; these members are the citizens; their legal capacity which is related to their identity is composed of: legal liberty, civil equality, and civil independence. More light will be shed on this in the section of democracy and citizenship⁽¹²³⁾.

The separation of powers theory and the republican system were also championed by the American thinkers of the 18th century considering them the ideal political form to represent the will of the citizen. Alexander Hamilton says,

The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior;

the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or have made their principal progress towards perfection in modern times⁽¹²⁴⁾.

For Kant, the best system that institutes separation of powers, and consequently citizenship, is the republican system. He says, “Republicanism is the political principle of severing the executive power of the government from the legislature”⁽¹²⁵⁾.

However, there were enlightenment philosophers who preferred constitutional monarchy over separation of powers. Montesquieu’s position on this point raises controversy as whether he preferred constitutional monarchy or the republican system on a contracted territory or federal republican system.

Hamilton discussed this point, addressing “the People of the State of New York” (21 November 1787). His words reflect the extent of Montesquieu’s influence. The opponents of the federal republican form quoted Montesquieu’s view that the domain of a republican government should be contracted territory. Hamilton, however, sees that they have overlooked the sentiments he expressed elsewhere in his book on the subject and were unaware of what the

principle entails. When Montesquieu favors a contracted territory for his republics, he considers the size of the models he has in front of him, which cannot be compared to the vast areas of the states in North America. “When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States”. Hamilton argues that if we take Montesquieu’s ideas on this point with the criterion of truth, we will find the alternative “either of taking refuge at once in the arms of monarchy, or of splitting ourselves into an infinity of little, jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contempt”. This parochial view, Hamilton adds, “could never promote the greatness or happiness of the people of America”⁽¹²⁶⁾.

Hamilton said Montesquieu’s suggestions are quite far away from “opposition to a general Union of the States, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extending the sphere of popular government, and reconciling the advantages of monarchy with those of republicanism”⁽¹²⁷⁾. He opines, “If a single member should attempt to usurp the supreme authority, he could not be supposed to have

an equal authority and credit in all the confederate states.”⁽¹²⁸⁾

Hamilton quoted these ideas from Montesquieu since he found in them a searching light and a succinct representation of the principal discussions which support the notion of the confederacy and could hence dissipate the wrong impressions arising from the application of the other parts of Montesquieu's writing. He further aimed at elucidating how the federation tends to remedy the problems of internal insurrection and disorder. He asserted that

Should a popular insurrection happen in one of the confederate states the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound⁽¹²⁹⁾.

Therefore, Kant, Montesquieu and Hamilton among other enlightenment thinkers see that the best system to support separation of powers, and consequently institutes and protects citizenship, is the republican system. In the meanwhile, however, England took the road of constitutional monarchy, and still adopts this system while citizenship in it is intact because of the real guarantees in actual practice and not only in the constitution!

When the American Revolution erupted

in late 18th century and declared the confederacy of the United States, it adopted in its constitution the principle of separation of powers as an essential foundation to secure the freedom of the citizens and protect them against the tyranny of concentration of all the powers in one institution.

The first American state to apply this principle was Massachusetts in 1780 in article 30 of its constitution which was phrased by John Adams following the declaration of the US independence. In this article, he stressed the complete separation of powers, not allowing any of them to overlap the others in order to consolidate the state of freedom and law.

In the Declaration of *the Rights of Man and of the Citizen*, the fundamental document of the French Revolution 1789, Article 16 included the principle of separation of powers linking it essentially with the constitution. The article stipulates, "A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all." Consequently, it is a society without a citizen.

D) From thought to action--citizenship and the French and American revolutions:

The concept of citizenship and other

related concepts moved from the stage of theory to the stage of action. When the Age of Enlightenment reached its peak which gave birth to two revolutions-the American Revolution (1776) and the French Revolution (1789)-it opened new horizons in front of humanity.

It should be mentioned that the natural law was not the frame of reference of only these two revolutions; it was also, at the end of the Age of Reason, the frame of reference of the Glorious English Revolution of 1688 which instituted the sovereignty of the citizens through their parliamentary representatives. It passed the Bill of Rights and the Act of Toleration of 1689 which established religious freedom of worship for most sects including most of the nonconformist Protestants and some other sects. Thus, the ecclesiastical power retreated after its hegemony over religious affairs. When the Licensing Act expired in 1695, allowing free speech, the Church authority was relegated much further back and the press power was extended providing a forum for free views. Therefore, it may be claimed that the Age of Enlightenment started early in England with this revolution with which the concept of citizenship, albeit not comprehensive, started to be realized in actual life.

The great role played by the Netherlands cannot be ignored although light is usually not shed on it in most relevant writings. Its role appears as it provided safe haven to the dissidents that stood against the political and religious system in different parts of Europe at that time. It was the safe refuge that sheltered them away from the heavy hand of their countries' authorities. Through it, they were able to express their free ideas against political and religious despotism which completely stripped citizenship of its meaning.

On the other hand, the concept of citizenship, as more mature, was on the way of materializing at the end of the century. The Declaration of Independence of the US of 4 July 1776, the Declaration of the Rights of Man and of the Citizen of 26 August 1789 in France-both include clear texts that emphasize the rights of civil and political citizenship, and that people are born free and equal in rights and duties; among these rights are the rights to life, freedom, equality, and pursuit of happiness. At the same time the American and the French revolutions put limits on the power of the state through establishing democratic life where sovereignty is given to the citizens through parliamentary representation.

The weighty center of liberal political thought moved from England to France with the advent of the 18th century which witnessed the flourishing thought of a group of the major liberal philosophers such as Montesquieu, Voltaire, Rousseau and the *encyclopedistes* among others. They put forth philosophical theories of freedom and the natural rights of the individual and the society, and attacked despotism, absolute monarchy and the theory of the divine right of kings. Therefore, we cannot "understand the French Revolution which advocated human rights without consulting the ideas of philosophers such as Voltaire, Rousseau among others"⁽¹³⁰⁾.

In addition however, the writings of the first half of the 18th century in France were keen not to include direct criticism of the absolute French monarchy. They employed the approach of projection and indirect expression through criticizing the Roman system or the old French regimes. They sometimes used travel literature where there was ample space for criticizing the despotic Asian political regimes⁽¹³¹⁾.

During the second half of the 18th century, criticism became direct especially with the increasingly dwindling ruling powers as a result of receding support. The

French Revolution came after a long epoch of despotism and oppression under the monarchy especially when the regime started to show cracks in its structure and lose support of the nobility which suffered under the reign of Louis XIV. The king had stripped the nobles of most of their political privileges, and their economic conditions deteriorated with the decline of agricultural economy as France moved more towards the commercial and industrial economy. All this made most nobles sympathetic with the revolution when it broke out.

Louis XIV had also engaged in continuous wars with European states, causing his country a deteriorating economic crisis which hit all classes of the society and was accompanied by the king hoarding all privileges to himself. He believed in the divine right of the king who is the representative of God on earth. His authority is sacred and inalienable; it cannot be divided or surrendered to another person. Absolute rule is the only alternative to anarchy with no third option⁽¹³²⁾. The king did not refrain from saying, “*L’État, c’est moi*” (“I am the State”)⁽¹³³⁾. Why not when he is *le Roi Soleil* (The Sun King)⁽¹³⁴⁾!

Some gave legal legitimacy to this theory, such as Bishop Bossuet who opined that it

was God alone who decided the affairs of the king! He said, “The Royal throne is not the throne of a man, but the throne of God himself”⁽¹³⁵⁾. Moreover, Antoine Godeau said the king was “God’s deputy on earth”⁽¹³⁶⁾ repeating Bossuet’s dictum.

The king, Louis XIV, therefore, amassed all political and administrative powers in his hands and even the religious power. He revoked the Edict of Nantes, which was promulgated by King Henry IV in 1598 to provide a measure of religious freedom⁽¹³⁷⁾. French politics did not change much in the reign of Louis XV (died in 1774); despotism persisted as did the turbulent economic conditions and policies which were also maintained by Louis XVI who was guillotined in 1793.

This style of government weakened the monarchic regime—a situation which had been warned against by Montesquieu in the eighth part of his book, *De l’esprit des Lois* (the Spirit of Laws, 1750). He said,

Again, it is destroyed when the prince, directing everything entirely to himself, calls the state to his capital, the capital to his court, and the court to his own person. ... The principle of monarchy is corrupted when the first dignities are marks of the first servitude, when the great men are

deprived of public respect, and rendered the low tools of arbitrary power⁽¹³⁸⁾.

What Montesquieu philosophically predicted came true in reality when the French Revolution erupted in 1789⁽¹³⁹⁾. It established *L'Assemblée Nationale* (the National Assembly or the Parliament), declared "people are born free and equal in rights" and that political and social equality is the right of everyone. It can be said that the concept of citizen acquired, at the end of the 18th century and with the French Revolution, its attributes from that of this Revolution. In his paper "The French Revolution and the Invention of Citizenship"⁽¹⁴⁰⁾, William Rogers Brubaker argues that the characteristics of the revolution are four: centrality, nationality, democracy and bourgeoisie. According to these four characteristics of the French Revolution, the modern citizen acquired four relevant characteristics as he:

1. Enjoys the right to ownership;
2. Enjoys political rights, most important among which are political participation, right to vote, freedom, equality;
3. Enjoys the right to membership in a national state with a strong political authority and geographical boundaries;

4. Belongs to a central government since before the Revolution he belonged to a regional province not to France⁽¹⁴¹⁾.

During the debates on the rights of man in the parliament of the Revolution, a point was raised that if the rights of man are declared the declaration should also include man's responsibilities, otherwise we will eventually find mankind with only rights abused by all against all. No one will know that without responsibilities, rights will flounder and collapse. There are no rights alone without responsibilities⁽¹⁴²⁾.

Despite the great progress achieved by the American and the French revolutions in advancing and realizing the concept of citizenship, this progress did not reach the peak of completion as the two revolution still deprived a large sector of the people of the right to citizenship. The constitution of the American Revolution in 1787 excluded women, the Red Indians (despite their being the original Native Americans) and the blacks from citizenship. This state stayed standing although slavery was abolished in 1800. Citizenship was not extended to include the blacks until the drafting of the 1868 constitution⁽¹⁴³⁾. However, real citizenship was not realized until 1965.

Although the French National Assembly

declared “people are born free and equal in rights”, France had not totally abolished racial and sexual discrimination. Slavery was abolished only in 1848, and women stayed deprived of their political rights theoretically and practically and stayed outside the circle of citizenship for a long time.

France did not recognize the right of women to vote until the end of World War II, that is, after 2500 years of the inception of the idea of citizenship in ancient Greece. In England, women did not enjoy political equality and the right to full citizenship until 1928 when a law was passed to provide for equality of the two sexes in voting rights. Citizenship in its long history was only realized for some or many of relative similarity in social and financial conditions while a bracket or certain brackets of the society were excluded⁽¹⁴⁴⁾.

Woman, in particular suffered from exclusion; she lived “under the cover of her husband who enjoyed a degree of citizenship as the head of the family”⁽¹⁴⁵⁾. This was acknowledged by Kant himself when he discriminated between active and non-active citizens as shown previously. The exclusion of women, slaves and other poor strata of the society and barring certain categories from membership as citizens are ascribed to many

factors-whether cultural or economic; participation is determined by certain institutions and processes in addition to established cultural and ideological factors⁽¹⁴⁶⁾. One of these factors, for instance, is that the state is basically a mere reflection of the masculine nature of the society; it has a patriarchal nature; thus it is partial to males at the expense of the females, and it establishes the authority of men⁽¹⁴⁷⁾.

Generally speaking, the concept of citizenship has not become complete theoretically until the promulgation of the Universal Declaration of Human Rights (1948). For the first time in the history of mankind, citizenship as a part of the political rights provides that:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status⁽¹⁴⁸⁾.

This is from the theoretical perspective. As for the practical one, humanity still has a long distance to cover.

Conclusion

As shown above, citizenship has taken different guises; there have been citizenships

on the levels of: the civil state, the national state, the empire or a confederate state. It even had the world as its arena in a world state. At the time of the spread of the national or confederate states, the concept of a world state, and hence world citizenship, faces numerous snags and problems.

The modernistic institution of citizenship on both the epistemological and practical levels has been the fertile soil that nurtured the growth of the citizenship concept to its most sophisticated form. The essence of modernism in man's view is considering the human being the springing point of knowledge and work. He is pure reason, the thinking subject, the agent with free will and effectiveness in the society, politics and economy. Thus, rationalism emerged as an expression of the subject and its effectiveness in knowledge and politics, and everything has become an object before the mind which can assimilate, understand and judge it. Politics turned to be deduced from the common mind through which man can impose his theoretical and practical control over the world: the universe and the state. The world grew knowable on the epistemological level as well as malleable on the political level. Thus the link between citizenship and modernity is proven.

Moreover, it has transpired through this piece of research that the concept of citizenship within the framework of the civil sovereign state has gone through a horizontal development on the one hand and a vertical development on the other. This concept is like a living being which evolves and develops in addition to the fact that it has a past, a present and a future. Furthermore, it even has the sick and healthy properties of the living being. All through the European Middle Ages (from AD 300 to AD 1300)-with some exceptions-it remained feeble until the promulgation of English Bill of Rights in 1689 which is described by some historians as the starting point of European Enlightenment.

The horizontal development endeavored to broaden the base of citizenship moving from the aristocratic minority to inclusion of other classes gradually with the passage of time. However, citizenship has not so far included all individuals from the practical perspective despite all the charters and declarations of human rights.

As for the vertical development, the concept has developed in parallel lines with the amount of participation involved in making the political decision and with the practice of power which extends its base of

inclusion. It positively develops with the gradual progress in transferring the decision making power from one hand through intermediate level to all citizens according to the democratic processes. According to the Hans decision-making participation scale⁽¹⁴⁹⁾, any practice of power falls in six levels as follows:

First level: decision taken singly by the head of the organization excluding the views of all others;

Second level: the head informing other members of the decision without heeding their views;

Third level: the head consulting others as a mere formality with no effect.

Fourth level: positively consulting others and heeding their views;

Fifth level: the head gives opportunities to others to see into the different issues in order to face crises and engage them in relevant decision making;

Sixth level: giving others the right to make decisions according to the mechanisms of democracy. This is similar, in my view, to the “binding consultation” of the Islamic law⁽¹⁵⁰⁾.

The complete separation of the six levels is not always the case in all circumstances;

the dictator sometimes oscillates between two or more in a process of evasion and deluding as in the false democracies when the leader consults people on trivial matters and takes the decision on his own in the serious ones!

The best level where citizenship is achieved is the sixth one where the base of citizenship is broadened to achieve its comprehensive meaning. All are citizens with no discrimination in rights and duties. They abide by the principle of equality in all societal dealings while ignoring all differences of religion, race, sex, social level, etc.-participating all in decision making according to the democratic processes⁽¹⁵¹⁾.

In the Age of Enlightenment, the concept of citizenship developed horizontally in its political, social and civil dimensions together with its vertical development as measured by this scale, but it never reached the fifth or sixth levels.

The citizenship concept reached its highest level of development in the 18th century with the American and French revolutions, but it did not reach the peak of its maturity. That is because the two revolutions deprived a sector of the people of the right to be citizens; the 1787 constitution of the American Revolution excluded

women, the Native Americans and the blacks from the sphere of citizenship. This state stayed standing until slavery was abolished in 1800 and they did not gain citizenship until 1965.

The French Revolution did not eliminate slavery until 1848, that is to say, the mid 19th century. Women remained excluded from the political sphere and citizenship for a long time. France did not grant women the right to vote until the end of World War II. The English woman did not gain equality until 1928 with the promulgation of a law realizing electoral equality between men and women.

The paper has shown that the concept of citizenship did crystallize theoretically until 1948 with the promulgation of the Universal Declaration of the Rights of Man⁽¹⁵²⁾.

This complete form is definitely true-on the theoretical level! Nevertheless, the real world facts are different; the idea of citizenship is still facing great challenges in many countries of the world!

Trans. by Ali Al-Gafari

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