



University of Nebraska at Omaha
DigitalCommons@UNO

Service Learning, General

Service Learning

9-28-2004

Textbooks and Philosophers on the Problematic Relationship Between Citizens and Non-Citizens

Jennifer Christenson

Follow this and additional works at: <https://digitalcommons.unomaha.edu/slceslgen>

Recommended Citation

Christenson, Jennifer, "Textbooks and Philosophers on the Problematic Relationship Between Citizens and Non-Citizens" (2004).
Service Learning, General. 319.
<https://digitalcommons.unomaha.edu/slceslgen/319>

This Report is brought to you for free and open access by the Service Learning at DigitalCommons@UNO. It has been accepted for inclusion in Service Learning, General by an authorized administrator of DigitalCommons@UNO. For more information, please contact unodigitalcommons@unomaha.edu.



Textbooks and Philosophers on the Problematic
Relationship Between Citizens and Non-Citizens

Jennifer Christenson
Ed.M. Candidate – Harvard Graduate School of Education
Jennifer.Christenson@mac.com

Conference on Civic Education Research: Reno, NV
Tuesday, September 28, 2004

Despite some clear indicators of citizenship, such as holding a passport for a given country, the line separating citizens from non-citizens is often rather blurry. Many of the rights and obligations of citizens and non-citizens overlap. This grey area presents an interesting puzzle, both in terms of how to distinguish between citizens and non-citizens, and why it is often hard to do so. This paper will address the first part of this puzzle by teasing apart the distinguishing features of citizenship through an examination of 1) how citizenship is presented in a best-selling high school civics textbook; 2) how the laws pertaining to citizens and non-citizens differ; 3) how political philosophers have conceived of the distinction between the two categories of citizen and non-citizen. The investigation will conclude that, although neither the textbook nor the philosophers offer particularly clear explanations of the differences between citizens and non-citizens, the laws do provide some help. The laws that apply to both citizens and non-citizens generally exist for everyone's protection. This makes sense because one of the government's responsibilities is to protect its citizens and the only way it can do so is by requiring that non-citizens within the country's borders comply with the same laws as the citizens. On the other hand, the laws that apply only to citizens, for the most part, share the characteristic that they permit the citizen to participate in the government, either by helping to perpetuate the existing system or by providing the means for changing it. In addition, as passport-holders, citizens are also perceived as legal members of their governments by foreign governments. Thus, citizens are often held accountable for the principles and policies of their government on both a political and a social level. This attribute, which applies uniquely to citizens, may provide the clue in accessing a clearer picture of citizenship. This paper will attempt to account for the general lack of clarity in definitions of citizenship and to explain how the nature of citizenship might be better conceived in order to present a clearer picture.

THE TEXTBOOK EXPLANATION

I will begin by examining a best-selling United States high school civics textbook, *Civics: Responsibilities and Citizenship*, for its explanation of citizenship. A high school textbook should provide some fruitful insights into the differences between citizens and non-citizens since both citizens and non-citizens are required to attend school (until age

16). The text should, therefore, have to present the information about American civics to both citizen and non-citizen audiences. The information that the text actually provides, however, does not accord with this hypothesis. Instead, the text rather blatantly addresses only American citizens and in doing so weakens its own explanation of citizenship. This fault, though, serves to reveal some of the larger problems of differentiating citizens from non-citizens.

In the opening pages of the first chapter, the text defines citizens, legal aliens, and illegal aliens. Under the heading “Citizenship,” the text gives the following information:

Being a citizen of a nation means that you share a history and a set of beliefs with the rest of the country’s citizens. Americans, for example, share the ideals of individual rights and equality of opportunity. These ideals are expressed in many of our nation’s most important documents, and time and again Americans have fought when necessary to uphold these ideals. The shared beliefs and history are a part of the heritage of all American citizens, whether they were born here or became citizens after settling here.¹

Considering that this is the extent of the information that introduces the student to the nature of citizenship, it is a somewhat peculiar definition. Rather than defining citizenship by the rights and protections that the government affords or by the rights and obligations of a citizen, it bases citizenship entirely on shared beliefs and history. While I think that this definition could be interpreted such a way as to allow it to coincide with the definition that I will suggest, I find the definition given here both incomplete and partially untrue. There is no reason to believe, for instance, that all citizens accept all of the fundamental beliefs of their government (some Americans, for example, would want to reduce First Amendment rights if they could). Plus, a complete definition of citizenship should include the idea that citizens are responsible to the government of which they are a part, as defined under that government’s laws. Giving the text the benefit of the doubt, a shared history could mean that citizens have the history of the laws of the country in common, and a shared set of beliefs could be interpreted as not necessarily cultural beliefs, but beliefs in fundamental rights and obligations (the text does offer individual rights and equality of opportunity as examples). Nevertheless, the

¹ David C. Saffell, Ph.D., *Civics: Responsibilities and Citizenship* (New York: Glencoe McGraw-Hill, 2000), 6.

textbook's definition does not account for the case of a non-citizen who also shares a belief in those rights and obligations, but whose allegiance belongs to a different country. Thus, the textbook's initial definition of citizenship, even if favorably interpreted, is too vague to stand as a viable definition.

When discussing legal aliens the text refers entirely to the rights and obligations a legal alien has compared to a citizen; it does not claim that legal aliens differ from citizens on the basis of culture or heritage. Under the heading "Legal Aliens," the text reads:

Aliens who have entered the United States legally have a much easier time [than illegal aliens]. Their lives, in fact, are not very different from the lives of United States citizens. Legal aliens may hold jobs, own property, attend school, and travel throughout the United States. They must obey the laws of the United States and pay taxes, just as United States citizens must.

There are, however, some things that aliens are not permitted to do. They may not vote in any political elections or run for political office. They may not work in most government jobs. The laws of some states also prohibit them from working in certain jobs such as public school teaching. Unlike United States citizens, aliens must carry identification cards at all times.

Some immigrants to the United States live their entire lives here as aliens, remaining citizens of their homeland. Others, however, decide to change their citizenship and become United States citizens.²

Considering the earlier definition of citizenship, it would seem that the definition of legal alien that should be provided would run along the lines of, "legal aliens are foreigners who are legally allowed to live in the United States, but who do not share this country's history or beliefs." Instead, the textbook defines legal aliens as a set of people who greatly resemble citizens, but who are not permitted certain rights that American citizens are permitted, without providing an explanation as to why they are excluded from these rights. Thus, the only section of the textbook that specifically juxtaposes citizens and legal aliens provides neither sufficient definitions of either, nor sufficient distinctions between the two. That the text raises, but does not reconcile, these two aspects of citizenship, namely beliefs and legal rights and obligations, highlights one of the main

² Ibid., 12-13.

difficulties involved in determining the differences between citizens and non-citizens: choosing the terms on which to discuss the differences.

As the text progresses and information becomes more detailed, the distinction between citizens and non-citizens grows ever blurrier. Although much of the information given pertains to non-citizens, citizens become the only category discussed. In the section, “The Duties and Responsibilities of Citizens,” the text draws specific distinctions between the “rights,” “duties,” and “responsibilities,” as the text defines them, of American citizens. Discussion of all three categories is limited to citizens: “As American citizens, each of us has certain rights...To safeguard these rights for ourselves and future generations, we also have certain responsibilities.”³ Rights are defined as falling into three categories: security, equality, and liberty. Duties “are things we are required to do; if we fail to perform them, we are subject to legal penalties, such as fines or imprisonment.”⁴ The text lists the following as an American citizen’s duties: “Obey the law; Pay taxes; Defend the nation; Serve in court; Attend school.”⁵ Finally, responsibilities are “things we should do; they are obligations that we fulfill voluntarily.”⁶ The responsibilities given are: “Be informed and vote; Participate in your community and government; Respect the rights and property of others; Respect different opinions and ways of life.”⁷

The problem with this list of American citizens’ duties and responsibilities is that many of these duties and responsibilities pertain equally strongly to non-citizens. Everyone, whether an American citizen or not, has the responsibility (as the text defines it – “things we should do”) to respect the rights and property of others. The text points out that American citizens have a duty to register for the draft, but in fact all male permanent residents (legal aliens) as well as all male illegal aliens are required to register.⁸ Thus, to claim that the duties and responsibilities listed are required of American citizenship, while true, gives an incomplete picture of citizenship by not

³ Ibid., 122.

⁴ Ibid., 131.

⁵ Ibid., 132.

⁶ Ibid., 131.

⁷ Ibid., 132.

⁸ Selective Service System Registration Information website, URL: <http://www.sss.gov/must.htm>.

explaining how those duties and responsibilities apply, in most cases equally, to those who are not American citizens. By not specifying which of these rights, duties, and responsibilities are particular to American citizens alone, the text fails to explain the exact characteristics of citizenship that make it special. This failure augments the imprecision of the already vague concept of citizenship the textbook has created.

The text then further complicates its definition in later chapters by confusing the terms it has presented. Chapter sixteen involves a brief discussion of a citizen's legal rights and responsibilities. In this section, the text neglects the definitions of duty and responsibility it had set up in the earlier chapter. Previously defined as something that a citizen should do, but is not required to do, "responsibility" in this section serves the conflicting purposes of both "duty" and "responsibility" as they were defined earlier. Under the heading, "Legal Responsibilities," the text claims that "[s]erving on a jury and testifying in court are both important responsibilities."⁹ Both of these obligations, however, are duties, according to the earlier definition that a duty is something punishable by law (one must testify if one is subpoenaed). Then this section ends with:

Another responsibility of citizens is to work peacefully to change unfair, out-dated laws. This might involve gathering voters' signatures on petitions to place an issue on the ballot for a vote or contacting legislators and asking them to change the law.¹⁰

Such actions are responsibilities under the original definition (voluntary obligations), so the text does not remain true to its terms. Moreover, the responsibilities described in this section pertain as well to non-citizens. Thus, this textbook, although it attempts to draw a distinction early on, fails on the whole to provide any clear or helpful differentiation between citizens and non-citizens.

One possible reason why the text only cursorily discusses legal aliens is that it consciously means to address students who are American citizens only. Throughout the text, unit headings are followed by the phrase, "Your Role as a Citizen," and a brief explanation of what the unit will cover. Much of the discussion in the text is also addressed to "you," the reader. While consciously addressing citizens exclusively could account for why the explanations of rights and responsibilities omit any discussion of

⁹ Saffell, 388.

¹⁰ Ibid.

which rights and responsibilities pertain equally to non-citizens, this omission of crucial information weakens the already questionable definition of citizenship the text attempts to put forth, while the trouble that the text has in providing a clear definition reveals much of the overlap between categories of citizen and non-citizen.

UNITED STATES GOVERNMENT LAWS

I will now turn to United States law in order to pull out the specific differences between citizens and non-citizens in the United States that the textbook does not make. I will isolate those laws that apply to citizens only to see if, taken together, they reveal something specific about the definition of citizenship.

Six laws (perhaps more) restrict the rights they guarantee and the obligations they require to citizens alone. These six are: 1) voting in national, state, and local elections that require voters to be United States citizens (some do not);¹¹ 2) running for political office;¹² 3) serving on a jury;¹³ 4) carrying a United States passport; 5) holding government jobs (including teaching, in some states); 6) receiving the protection and services of United States embassies and consulates worldwide. These six laws do carry a common thread: most pertain to the participation of the citizen in the operation of the government. While this participatory aspect of citizenship may hold only for certain nations, such as liberal democratic ones, the broader idea that the defining characteristic of citizenship is the association of the citizen with the government of his or her country may serve as one potential point of clarity that can help define citizenship for all citizens.

The two rights that do not fall into the category of participation are: carrying a passport and receiving benefits from American embassies and consulates worldwide. Rather than marking citizens as participants in their government, these rights mark them abroad as members of their governments. This tie of citizen to government is supported by the way that foreign governments treat citizens of a given country. Governments

¹¹ U.S. Citizenship and Immigration Services official website, "Now that You are a Permanent Resident," URL: <http://uscis.gov/graphics/howdoi/PermRes.htm#respon>.

¹² Numbers 2, 4, 5, 6 in this list are from the United States Immigration Support website, not officially published by the U.S. government, "United States Citizenship: Advantages of US Citizenship," URL: <http://www.immigrationagency.org/citizenship.html>.

¹³ Federal Judiciary official website, "Frequently Asked Questions," URL: <http://www.uscourts.gov/faq.html#juror>.

around the world have established policies about which foreign citizens can enter their territory without a visa, which require a visa, and which cannot enter at all. Such restrictions are largely based on the relationships between the two governments, rather than between the citizens *per se* of either. Thus, a citizen is held accountable for the relationships his or her government forms with other governments. Those relationships are often based on the principles and policies those governments hold, which in the case of liberal democracies, such as the United States, are often both formed and supported by the citizenry. In the United States, therefore, the fact that participation in the creation and support of government policies and practices (such as through voting and serving on a jury) is restricted to citizens alone is likely both a result of, as well as an indicator of, this tie between the citizen and the government. This tie, then, may serve as one clear distinction between citizens and non-citizens.

Some exceptions may be put forward against this claim that all citizens should be held accountable for the principles and policies of their governments. Citizens in liberal democracies who are too young to vote, for example, can carry passports but may not be considered accountable for the policies of their government. Yet, because citizens of all ages can hold passports, other governments perceive them as representatives of their country and would prohibit them from entering their territory if adult citizens of their country are not permitted to do so. Those who oppose their government's policies (both in liberal democracies as well as in other polities) are another category of people who may not consider themselves accountable for their government and its policies. The fact that citizens with beliefs opposed to the current laws of their government remain citizens, however, indicates that they believe in the basic principles by which those laws were created. If this were not true, those citizens who have the means and freedom to do so could choose to become citizens of another country instead.¹⁴

¹⁴ There are two cases in which a transfer of allegiance may not be possible: one is the case in which a disgruntled citizen does not have the money or the means to move to another country and go through the process of changing his or her citizenship, and the other is the case in which the citizen does not have the freedom to leave his or her country of citizenship. I acknowledge that both of these cases stand as counter-examples to my contention that passport-holders agree with the basic principles of their government, so I will restrict my argument to those passport-holders who have the means and the freedom to change their allegiance. I will also acknowledge that, unlike in

An examination of the specific laws of the United States that are restricted to citizens reveals one possible clear distinction between citizens and non-citizens, namely that citizens are tied to their government in the sense of their participation within it (in liberal democracies) as well as in the way that foreign governments treat them.¹⁵ The textbook could not identify this distinction because it did not differentiate between the rights and obligations that pertained to citizens but not to non-citizens. The characteristic of citizens that in liberal democracies they alone may participate in their government, and that, in all polities, foreign citizens will be treated according to the principles and policies of the country of their citizenship may therefore serve as one clear line distinguishing citizens from non-citizens.

POLITICAL PHILOSOPHERS

Now that I have stated a potentially clear distinguishing feature of citizenship, I will test it against the understanding of citizenship held by political philosophers. If some of the political theory behind citizenship corresponds to the characteristics I have identified in existing laws, this support would provide strong evidence that the potential distinguishing feature of citizenship that I have suggested fully obtains. I now turn to John Locke and John Rawls to investigate how they delineate citizens from non-citizens. Neither philosopher talks explicitly about citizenship, but I am going to map the distinctions that each does make onto a current understanding of citizenship in a logical way that should help to clarify the differences between citizens and non-citizens, as the terms are currently used.

Locke draws a clear distinction between those who qualify for the titles of what might today be called citizen and a non-citizen, but his description of how the two differ in terms of rights and obligations is vague, bordering on non-existent. In his discussion of man's transition into civil society from the state of nature, in "Of the Beginning of Political Societies," Locke carefully distinguishes between the explicit consent an individual can give when he agrees to become a member of a society and the tacit consent

Locke's account, modern citizens' options in choosing an alternative system under which to live are restricted to existing governments, for there is effectively no ungoverned land mass to which people could travel in order to set up a government of their own.

¹⁵ The case of asylum-seekers and refugees is a special case that is not discussed here.

one assumes from certain circumstances surrounding that individual. This distinction is the lynchpin on which Locke hangs what might be the defining characteristics of a citizen and a non-citizen. For Locke, the “perfect” members of a society are all people and only those people who give their express consent to become members of that society. He writes, “No body doubts but an express *consent*, of any man entering into any society, makes him a perfect member of that society, a subject of that government.”¹⁶ Locke’s word “subject” here suggests that he means what we today would call a “citizen.” Non-perfect members, presumably, are everyone else, including both those who give no consent as well as those who give tacit consent to the society. Nothing but “positive engagement, and express promise and compact”¹⁷ can make any “*man a member of that society, a perpetual subject of that common-wealth.*”¹⁸ Again, the repetition of the words “member” and “subject” here probably mean what we would call “citizen.”

Express consent is eternally binding (barring one’s expulsion from, or the dissolution of, the society). Locke contents himself with describing express consent as man’s entering into a society through “positive engagement, and express promise and compact.”¹⁹ He fails to explain how literally this plays out, other than to say it is through an “actual agreement, and any *express* declaration,”²⁰ as in the Mayflower Compact (1620). The term “positive engagement” is particularly puzzling, and I will discuss that phrase further later on.

Tacit consent commands more of Locke’s attention. An individual gives his tacit consent to a government or society by partaking of its protection and resources and obeying its laws in return. Locke makes this clear when he says, “every man, that hath any possessions, or enjoyment, of any part of the dominions of any government, doth thereby give his *tacit consent*, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as any one under it.”²¹ Tacit consent holds only for so long as the individual physically remains on property that is under the jurisdiction of

¹⁶ John Locke, *Second Treatise of Government* (Indianapolis: Hackett Publishing Company, Inc., 1980), 63-64.

¹⁷ *Ibid.*, 65.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*, 64.

that government. Since the government owns that property, those who use it become responsible for obeying the rules that govern it: “the government has a direct jurisdiction only over the land, and reaches the possessor of it, (before he has actually incorporated himself in the society) only as he dwells upon, and enjoys that.”²² This form of consent obviously applies to non-citizens as well as citizens. Thus we may infer a clear distinction between the categories of citizens and non-citizens: citizens are those who have given their explicit consent to the government, whereas non-citizens are those who have given only tacit consent (or no consent at all).

The distinction Locke makes between express and tacit consent can map somewhat onto the way in which governments view and treat a foreign citizen based upon the principles and policies of the citizen’s country. Locke’s contention that those whom I will call “citizens” are bound to their government for as long as that government exists could partially map onto the idea that I put forward that a distinguishing feature of citizenship is that citizens are treated as members of their country by foreign governments. Locke’s theory only partially maps onto my suggestion because in this section, he does not discuss how citizens are tied to the principles and policies of their government, only that they are tied to the government itself. Earlier in this section of his treatise, however, Locke does connect the individual member of society to the policies of the government. He writes, “when any number of men have, by the consent of every individual, made a *community*, they have thereby made that *community* one body, with a power to act as one body.”²³ If that community agrees to act according to decisions reached by a majority, then “the act of the majority passes for the act of the whole.”²⁴ This means that since each individual is a member of that one body, the acts of the community represent each of the individuals who comprise it. This theory maps very closely onto the practice of basing the treatment of foreign citizens on the principles and policies of their government. Locke’s theory, however, would hold strictly only for citizens of governments that make decisions based on majority, but even in this limited sense, it still provides some support for the argument that a distinguishing feature of

²² Ibid.

²³ Ibid., 52.

²⁴ Ibid.

citizenship is that citizens can be held accountable for the principles and policies of their government (though on Locke's account, this principle would be restricted to members of a community ruled by the majority).

Although Locke's theory may provide some support for this potentially defining feature of citizenship, when he attempts to discuss how rights and obligations differ between what I will call "citizens" and "non-citizens," his categories become somewhat blurred. Locke's description of obligations goes somewhat farther than his description of rights, so I will start there. According to Locke, for the period of time that a non-citizen uses a government's land, he has the same responsibility as a citizen to obey the laws established by the government. This obligation is justified because the non-citizen, by using the land, partakes of the resources and protections provided by that government. The non-citizen's obligations function as an exchange or agreement for the services they are receiving. The main difference in obligations between a citizen and non-citizen is that the citizen is bound to his government for life because he made a promise to do so. Therefore, he must obey the law of that government for as long as that government exists (unless he is expelled), whether he is currently on its property or not. The non-citizen's obligations end when he leaves the government's property. He is free to create an allegiance with any other government, whereas a citizen is not.

The rights of individuals in both categories fall along the same lines. Citizens are guaranteed the resources and protection of their government for their lifetime, regardless of their location, but non-citizens are entitled to those benefits only for as long as they remain on the property of that government.

Using temporary and permanent commitments as the crucial distinctive point poses several problems. First, it can make sense if the non-citizen is not a citizen of any other country, but if he is, then when he travels to a foreign land, he may have conflicting obligations, both to the government of his citizenship (to which he is bound for life) and to the government whose land he currently uses. For example, an 18-year old American traveling to France might be considered forbidden to drink alcohol under the laws of the United States, but allowed to do so under the laws of France. Second, and more critically, Locke is extremely vague on the participatory role that citizens and non-citizens should have in the government. Regarding non-citizens, Locke clearly states that

they are obligated to follow the laws of the government on whose land they reside, and the reasoning he gives is that when individuals consent to form a government with the intent to protect their persons and property, they must therefore submit all of their property and possessions to the jurisdiction of the government. Thus, if any non-citizen uses property that is under the jurisdiction of the government, that person is responsible for obeying the laws that govern that property and for submitting to any decisions about laws placed upon it. This leaves the question of whether or not those people can participate in the government of which the land are using is a part. Locke does not directly address this issue. It can be inferred from his principles, however, that non-citizens, having not contributed their own property to the government, cannot be allowed to participate in decisions that will control the livelihood and property of those who have promised to be members of that society (since that promise, according to Locke, is binding for life and unbreakable for as long as the government exists).

For citizens, on the other hand, Locke does discuss the issue of participation, but not in a satisfying way. He writes that “submitting to the laws of any country, living quietly, and enjoying privileges and protection under them, *makes not a man a member of that society.*”²⁵ Such a man must additionally have a “positive engagement”²⁶ with that society. While “positive engagement” could easily be inferred to mean active participation in the creation of laws that will govern the society, Locke elaborates no further. The requirement for positive engagement here could provide additional support for my hypothesis in that, if citizens are required to engage in their society, they can be held accountable for the principles on which the society operates and the policies that it creates. Thus, it would not be unfair to Locke to read him as delineating between citizens and non-citizens along two lines: 1) permanent versus temporary obligation to the society’s laws; 2) having versus not having the right to participate in the government. However, the latter categorization remains tenuous because it is not explicit (especially since women at the time were citizens, but were not allowed to participate in the government). Locke’s account of the difference between citizens and non-citizens offers some support for the potential distinction I have suggested for separating citizens from

²⁵ Ibid., 65.

²⁶ Ibid.

non-citizens. Yet his evidence does not supply much novel or rigorous reasoning to back up his theory.

I turn now to Rawls, whose attempt at rigor and clarity on the subject should provide the added detail in this distinction that Locke lacks. Rawls' key distinction is that between what he terms "political obligation" and "natural duty." In some sense, these two categories map onto citizen and non-citizen, in that political obligation applies within a government or an institution and natural duty applies across governments. I will begin with Rawls' description of political obligation. Political obligations for Rawls are like political obligations as Locke sees them in that both involve an express or tacit, voluntary promise or contract to bind people to them. A crucial difference, though, is that Locke believes that obligations hold between all citizens of a society, whereas Rawls maintains that political obligations apply only to those citizens who assume public office or have otherwise "advanced their aims within the system."²⁷ Rawls states, "The principle of fairness, on the other hand, binds only those who assume public office, say, or those who, being better situated, have advanced their aims within the system."²⁸ (Rawls does not explain further this category of people who have "advanced their aims within the system.") These individuals, for Rawls, have greater obligations within the system because they have greater privileges, and therefore, more ties to it. Regarding the political obligations of the average citizen, Rawls states, "There is, I believe, no political obligation, strictly speaking, for citizens generally [as opposed to public officials]."²⁹ Thus, on Rawls' account, political obligations hold only for those citizens who hold public office or have "advanced their aims within the system."

Rawls also expands his view of obligation beyond the political to cover obligations one agrees to when one gets married or plays a sport. These are all examples of obligations one holds because one has agreed to certain rules in order to obtain the protection of guaranteeing certain behaviors from others. Somewhat strangely, though, Rawls does not include being a citizen of a country as carrying with it any obligations. I

²⁷ John Rawls, *A Theory of Justice* (The Belknap Press of Harvard University Press, 1971), 116.

²⁸ Ibid.

²⁹ Ibid., 114.

will discuss this omission in greater detail after explaining Rawls' definition of "natural duty."

According to Rawls, natural duties "are owed not only to definite individuals, say to those cooperating together in a particular social arrangement, but to persons generally."³⁰ For example, every individual has a natural duty to every other individual in the world equally, "all as equal moral persons,"³¹ to help someone in need (without the risk of great harm to oneself) and not to bring unnecessary suffering upon another. Because these duties apply across humanity, and across borders, no promise is necessary between individuals or groups in order to sustain and guarantee them. Thus, these natural duties apply to both citizens and non-citizens, in a way that transcends citizenship. Rawls adds, though, that these duties can become codified in laws of institutions, thereby making them political obligations as well. Nevertheless, "[f]or the most part the natural duty of justice is the more fundamental, since it binds citizens generally and requires not voluntary acts in order to apply."³² Thus the natural duty precedes the political obligation derived from it and obtains over and above the existence of that political obligation.

Both citizens and non-citizens are obligated, on Rawls' account, to obey these laws because they are also natural duties. He adds that it is a natural duty, and therefore binding on both citizens and non-citizens, to obey laws created by just institutions. He states, "This duty requires us to support and to comply with just institutions that exist and apply to us. It also constrains us to further just arrangements not yet established, at least when this can be done without too much cost to ourselves."³³ Thus, obeying the laws of a just society and working to make unjust laws just is a natural duty, and it applies to everyone, regardless of citizenship.

Rawls' account of duty and obligation seems strange, for he does not provide a definition of citizen to replace the one based on obligations an individual acquires upon entering a society. Rawls seems to argue that we only have duties to humanity and obligations to those we have sworn to serve, but no special requirements pertaining to those with whom we hold the special relationship of fellow citizen. One particularly

³⁰ Ibid., 115.

³¹ Ibid.

³² Ibid., 116.

³³ Ibid., 115.

weak point in his argument is that it would require individuals in the United States, for example, to serve in the army, and to serve on a jury because these obligations are written into the laws of a nearly just institution, while voting would not be a requirement because it is not mandated by law. There are, of course, some nearly just legal systems, such as the Australian government, that have instituted compulsory voting, in which case voting would fall under Rawls' category of natural duty. Certain elements of Rawls' argument could also be read in a way that would account for this problem with voting. Voting, for instance, could be interpreted as "further[ing] just arrangements not yet established," which is a natural duty, and it could also be considered "support[ing]...just institutions that exist and apply to us."³⁴ Since a democratic government would not exist if no one voted, voting is an integral part of supporting the existence of that kind of institution.

Rawls' theory does not support the hypothesis that I have suggested as a means for determining the difference between citizens and non-citizens because Rawls' account attempts to move beyond citizenship as the determinant of one's obligations to participate in one's society and to make it the natural duty of every person to participate in furthering just institutions everywhere. Rawls argues that it is the natural duty of every person to obey the laws of any just institution. Following this argument, no citizen could be held accountable for the policies and practices of his or her government because everyone, not only those citizens, is responsible for ensuring that just institutions are furthered. Thus, the principles and policies of any particular government become the responsibility of every person, regardless of his or her citizenship. Rawls explicitly wants to avoid basing political obligations on citizenship (taking citizenship as based on a contract) because such ties would obligate citizens to perform their responsibilities only in the event that they had agreed to this contract. He adds that "[t]he public conviction that all are tied to just arrangements would be less firm"³⁵ in the case of the contract because no one could be certain that everyone else who had agreed to the contract would maintain his or her agreement. Rawls, therefore, wants to ensure that obeying the laws of just institutions is a natural duty rather than a condition of citizenship.

³⁴ Ibid., 115.

³⁵ Ibid., 337.

Rawls' theory also complicates the idea that participation could be a potentially defining aspect of citizenship in liberal democratic societies. Ideally, he argues, all people should be responsible for "assist[ing] in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves."³⁶ If all people are responsible for furthering just institutions anywhere in the world, all are held accountable for every existing government's principles and policies, rather than only the citizens of that government. Thus, under Rawls' theory, participation in a government does not make an individual a citizen of a country, rather it indicates an individual's fulfillment of his or her natural duty.

Rawls' theory does not support the hypothesis I have suggested regarding the difference between citizens and non-citizens because his theory of natural duty to the laws of just institutions transcends citizenship. Thus, while it does not necessarily support my argument, it does not rule out the hypothesis because Rawls' theory operates on a different level.

An examination of both Locke and Rawls shows that 1) neither explicitly distinguishes between what we would call citizens and non-citizens, although what they say can be mapped onto our understanding of those terms; 2) neither makes crystal clear distinctions between the categories that they do present; 3) Neither theory disproves the hypothesis I suggest. Locke's theory can be logically interpreted in a way that supports this hypothesis, while Rawls' theory, in its move beyond the ties of citizen to government does not in any sense disprove this hypothesis as it relates to citizenship.

CONCLUSION

The strict differences between citizens and non-citizens are not made clear either in the civics textbook or in the philosophic theories of Locke and Rawls. A close examination of the United States laws that pertain solely to citizens, however, reveals a thread that may point to the possibility of a specific characteristic of citizenship. Since the laws that are limited to citizens concern the right to participate in the government and the right to carry an American passport and to be protected by American embassies and consulates abroad, these laws could help to articulate a defining characteristic of

³⁶ Ibid., 334.

citizenship. That characteristic may be that a citizen, but not a non-citizen, is held accountable by other governments for the principles and policies that the citizen's government creates because, in the case of America and other liberal democracies, the citizens participate in the creation of those policies and in doing so support the principles on which they are based. In addition, this possible characteristic of citizenship could perhaps be expanded to cover citizens of countries that are not liberal democracies by observing that foreign governments hold those citizens accountable for the policies and principles of their governments, even though they may not have the right to participate in the government.

The textbook definition of citizenship, a questionable one at the outset, cannot support this suggested characteristic of citizenship because the approach that it took to discussing citizenship prevents it from drawing any clean distinctions between citizens and non-citizens. Since the textbook lists as the rights, duties, and responsibilities of citizenship all those things that also pertain to non-citizens without ever clarifying which rights, duties, and responsibilities apply to whom, the text works from a conception of citizenship that cannot be used as a measure for this hypothesis because the text's very approach is flawed.

The theories of the political philosophers John Locke and John Rawls could provide a more beneficial measure with which to determine the viability of the stated hypothesis, even though neither explicitly discusses the distinction between citizens and non-citizens. Locke's theory provides the better support of the two because he argues that when individuals form a community and decide to act on decisions reached by the majority, those decisions represent the views of each individual, and in addition the fact that each individual agrees to participate according to these rules indicates that he or she supports the principles on which the community is founded and through which decisions are reached. Both of these arguments strongly support the hypothesized characteristic of citizenship; however, Locke's overall theory of citizenship remains vague.

Rawls' ideal conception of participation is that obeying the laws of a just society is a natural duty that applies to everyone and not only citizens. This theory does not provide support for participation and the ties between citizen and government as potentially constituting a part of a clear definition of citizenship because it moves beyond

the idea that citizenship should be based on a contractual obligation between the citizen and his or her government.

Although no support for the characteristic of citizenship hypothesized here comes from either the civics text or from Rawls, and though Locke does not provide airtight support for it, the hypothesis nevertheless remains a strong working theory of a potentially defining characteristic of citizenship because of how squarely it fits into the laws of the United States. By a “working theory,” I do not mean that it cannot be disproved, but rather that it is worth employing in more scenarios and measuring against more standards because its origins in practice are strong and none of the theories examined here have strongly disproved it.

This working theory can also be framed more generally, in order to derive a larger conception of citizenship, by drawing a distinction for each individual between the ties that he or she has to the world in general and the ties that he or she has to his or her government specifically. The “social” ties (those pertaining to the world in general) obligate the individual to work to make the world a better place, either by taking care not to harm others or else by actively working to foster just institutions around the world. These ties would be based on the idea that, as inescapable members of the world community, each of us has ties to the other members of this community, whether we agree to these responsibilities or not. These obligations would correspond somewhat with Rawls’ idea of natural duties.

The “political” ties (those pertaining to one’s specific government) obligate the individual to work to improve his or her government, potentially by participating in it. I argue that sustaining these political ties is necessary (whereas Rawls tries to move beyond them) because there is something unique about the relationship of citizens to one another that create obligations to one’s polity beyond making the world a better place. A society, just as any group of which an individual is a part, becomes a defining characteristic of that individual; thus, citizens should be and are held accountable as members of their societies for the principles and policies the government of their society upholds. Since this government is a reflection on each individual within it, those individuals have a responsibility both to themselves and to their fellow citizens to work to create and sustain good practices in that society, including following its laws when they

are just and working to ensure just laws where they do not exist. Both this broader concept and the more specific principle I have outlined may be beneficial to the creation of a clearer, more specific definition of citizenship in the future.

SELECTED BIBLIOGRAPHY

- Federal Judiciary official website. "Frequently Asked Questions." URL:
<http://www.uscourts.gov/faq.html#juror>.
- Locke, John. Second Treatise of Government. Indianapolis: Hackett Publishing Company, Inc., 1980.
- Rawls, John. A Theory of Justice. Cambridge: The Belknap Press of Harvard University Press, 1971.
- Saffell, David C. Ph.D. Civics: Responsibilities and Citizenship. New York: Glencoe McGraw-Hill, 2000.
- Selective Service System Registration Information website. URL:
<http://www.sss.gov/must.htm>.
- United States Immigration Support website, not officially published by the U.S. government. "United States Citizenship: Advantages of US Citizenship." URL:
<http://www.immigrationagency.org/citizenship.html>.
- U.S. Citizenship and Immigration Services official website. "Now that You are a Permanent Resident." URL: <http://uscis.gov/graphics/howdoi/PermRes.htm#respon>.