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# *Introduction*

This is a book about what it has meant, and what it means to be, a citizen of Australia. When I was doing research into what may seem a dry-as-dust subject, of interest only to lawyers and students of politics, I was constantly reminded how much citizenship is really a central concern for human beings bent on being happy and seeking justice. This is why they have fought and died here and elsewhere for the rights of citizenship. I was also reminded that it is only part of life and usually understood not as a goal in itself, or intrinsically virtuous, but as an activity and status directed towards other more private human realms where human conviviality and friendship are the goal. At one of the Conventions on Citizenship which were held in Australia from the 1950s onwards, a delegate from the Good Neighbour Council – in the blunt tones of a now almost forgotten commonsense of the man on the land – reminded other delegates that what a new immigrant really wanted was a warm human welcome and not a diet of citizen education.[1]

This book is thus written in full awareness that a discussion of citizenship – a realm of political activity with particular rules – presumes a wider context of the social. While it must concentrate on those procedures or practices, it has little human meaning unless it addresses a context which explains why citizenship is so important. As M. Kammen pointed out in a study of a similar nature to this dealing with the United States, whether we are conservative or radical, we cannot answer even basic political questions without addressing the issue of the good to which such activities were directed.[2] Edmund Burke stated this clearly in these words: 'Abstract liberty … is not to be found. Liberty adheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness'.[3] Thus, to write about citizenship as something we do politically presumes answers to all the



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Kantian questions: Who am I? What can I do? What may I hope for?,[4] even if its main concern is the second question.

These questions are more than humanly related. It is clear that we work to achieve certain goals which we believe will be beneficial and usually those goals are more important than the work itself. But the questions of who someone is, how they identify themselves and the practices they engage in as a citizen are structurally related as well. The way they act politically may, and can, change their sense of self and identity – two distinct analytical concepts – as much as the converse.

It is thus possible – as we will show in the first chapter of this book – to start with a discussion of what is a useful contemporary definition of citizenship in order to reach understanding of what identity an individual assumes and what that individual hopes for. Indeed, it is essential to define the object we discuss, precisely because it is so confused with fundamental philosophical questions like 'Who am I?' that it could get lost in that interminable canvas.

These words are being written at a time when the Australian government is promoting the study of citizenship. There have been a spate of talks, meetings, papers, government reports and books on the subject in the last five years after a silence about it which lasted for over seventy years.[5] This literature highlights the many ways in which 'citizenship' has been used since Australia became a Federation in 1901. This 'Heinz fifty-seven varieties' of citizenship stems partly from the general notion that to be a citizen is a 'good thing' and that it is useful to attach the label to many activities which, strictly speaking, do not concern citizenship at all. In Australian history it has been particularly confused with immigration.[6] In all this new literature there is a common theme which this book does not share as it believes that it provides a lopsided starting point for a discussion of citizenship. To attain some coherence in the face of the 'Heinz' understanding – which comes from a mere historical investigation into the ways in which the term has been used here as the starting point for understanding what it is to be an Australian citizen – the major authors have turned to the Anglo-Saxon, and in particular, the British theoretical literature on the subject. Thus we meet again and again reference to a gamut of thinkers who typically start with T. Marshall, and pass through John Rawls, Bryan Turner to David Held, and, among the more critical thinkers, include I. M. Young and Anna Yeatman. The views of these thinkers are frequently valid but they are clamorously Anglo-Saxon, and often presume quite unconsciously an Anglo-Saxon historical, theoretical and ethical tradition of the good.

Apart from the theoretical reasons for rejecting this tradition as less useful for a working definition of citizen than others, we should at least be on our guard in a multicultural Australia about mistaking identities.[7]

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What is obvious about adopting Anglo models of citizenship for a society with over a hundred ethnic groups of quite different traditions which conflict with the premises and the content of the Anglo-Saxon authors?

It is necessary to consider the other theories of citizenship which exist and antedate any Anglo-Saxon notion since the choice of model will affect what we measure Australian practice against. This book therefore starts by examining the different ways of understanding citizenship in its legal–political sense, with a view to adopting a less ideological view than most of the new literature. This will be achieved by situating the predominant Anglo view in a much wider discussion less familiar to English speakers than to other Europeans. The object is to arrive at some precision about the categories we should be discussing when our subject is citizenship. Only when we have a clear notion of the structured categories which combine as citizenship will we be able to start filling and emptying them with our changing historical notions and activities and relate them to the questions: 'Who am I?' and 'What may I hope for?'

Anticipating what it hopes to show, this book adopts a definition of citizenship which emphasises what people do rather than what they may get. But, as was stated at the outset, it does not deny the motive of hope.

There have been three main understandings of what it is to be a citizen. The first two understandings originate within Europe, and the third is emerging in the 'globalising' world of economies we are starting to enter as we approach the twenty-first century. Each has left traces in its successor and, sometimes, neglected or rejected parts of the older understanding are seen anew as suddenly relevant again. This is particularly important as Australia now appears to be in an uncertain transition between the second and third understanding and able to contribute to the refinement and elaboration of the new notion of what it is to be a citizen. Each of these three understandings shares common principles in the same structure. A citizen is always defined primarily by what that person *does* rather than what they *get*, and the definition identifies particular activities among the myriads which make up our lives. But the *context* of these actions is political: they presume a political context or world as constituted by these activities and as constituting them. This constituted world of the *state* decides what sort of acts identify who is a citizen. Finally, the territorial dimension of the area within which they are enacted decides who *belongs* to a particular body of citizens – who has a right to participate in the acts of citizenship themselves. The rules of inclusion and exclusion are explained by the history that political world tells about itself. This gives it its self-identity as it reflects upon itself. Ultimately, what is important is not the truism that there is always a community prior to the context and the acts of citizenry within it, but how that community defines itself and what it thinks is 'good'.

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An adequate discussion of what it is to be a citizen in the contemporary world must address these three abiding themes, that is, what *acts* in what *context* each advances explicitly and implicitly, and what justification each gives for giving only some people within that context the right to act as citizens. These three areas are structurally determining.

The three main understandings of citizenship we have identified emerged:

1 in the Greek city-states;
2 in modern European nation-states after the eighteenth century; and
3 in those 'global' supranational institutions whose emergence after 1957 has spelt a relative end to the sovereignty of the nation-state.

Only the third incorporates traditions and histories coming from outside Europe and attempts to address the problems of a truly multicultural world.

It is fairly obvious that after identifying the *acts* which are required for citizenship of a democratic polity the most adequate notion of a *democratic* citizen is that which aims to attain the most inclusive membership of a particular political *context*, usually a state. To focus merely on the acts without identifying who, among those affected by them, also makes them, is not very helpful in reaching an ethically adequate definition of *democratic* citizenship against which to measure the actual practice of Australia.

This can be made clearer if we tabulate schematically those contexts which are assumed to have been or are democratic (see table 1).

In such a schema we see that Athens, so often referred to as the first and most democratic of polities on the basis of the direct democratic acts of its citizens, excluded from citizenship the majority of those human beings living on its soil, notably slaves, women and foreigners. A parallel is South Africa under apartheid, where whites acted democratically but the black majority was almost entirely excluded from citizenship *acts* in white areas, effectively becoming civic nullities. The insistence that a person had to belong by blood to a putative original family group before that person could belong to the citizenry – the famous 'natural family' model of the state – was structurally related to the degree of exclusion. As Athens outgrew the tiny original community which could be thought of in 'familial' terms, its myth of a 'blood' descent excluded a majority, who became subject to laws not of their making. It is difficult to distinguish this from an oligarchy whose internal rules are democratic. Similarly, if we consider the regional globalising polities which will characterise the next century, we can see that these can only be inclusive if they give up the notion that belonging to a pre-existing national family is what entitles a person to *act* as a democratic citizen.

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**Table 1** Contexts of democracy

| | Acts | Context | Inclusion | Exclusion |
|---|---|---|---|---|
| Athens | Direct democracy | Small multi-ethnic city state | Natural family kin | All not related by blood |
| Modern state | Representative democracy | Large multi-ethnic nation-state | Fictitious national people | Not born on soil |
| Regional political polity (European Union) | Representative democracy Supra-national | Large multi-ethnic regional | Nationals of polity | Aliens |
| World state | ? | The globe | All people | No one |

In sum, the sort of acts we must specify as necessary for a democratic citizenry is not sufficient to decide whether democratic citizenship rules exist. This is also decided by an examination of the rules concerning exclusion: who is excluded from belonging; why and how? It has gradually been established that the less such frontiers or barriers exist, the more democracy is possible. Conversely, the more there are barriers, the more a non-democratic citizenry will emerge in any expected context of today and of the future. In this book I will therefore try to order the exposition, where appropriate, about the theory and practice of citizenship in Australia since 1901, by reference to the acts and to the context of the state which is constituted by and constitutes those acts. But the centrality of 'belonging' to the understanding of citizenship is the main theme of this book. Who may and who may not belong to Australia's citizens is established formally and informally, or legally and socially. The formal rules have primacy and they necessarily constitute the first third of this book. It is not simply in the formal rules but in the human relations of practical life that the implications of those formal rules are seen. Who is excluded; how they are excluded; and the rationalisations which were and are given in public and everyday discourse and practice form the bulk of this book, which looks at the internal and external frontiers. Finally, what happens here in theory and in practice is compared to what is being done elsewhere to adjust to the new challenges of the twenty-first century. How far, to use a voguish term, do Australian standards and proposals for citizenship, measure up to international 'best practice' in citizenship rules for a democratic society in today's world? How do we reply to the increasingly vocal critics of democracy who argue that it is

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not obviously the best system for tomorrow's world and that it only looked good when compared with totalitarian systems?

## 'Belonging'

The choice to focus on 'belonging' is easy to explain. Today we live in a world of massive migrations. These ebb and flow and will continue to do so into the twenty-first century. Millions leave their place of birth for short- or long-term absences, some never to return, though less often than in the past. They move around incessantly as they follow the job market in a move from poorer to richer places; as they are drawn forth as refugees when nations and civilisations war, and systems – like the Communist system – collapse. The world becomes increasingly a place of multi-ethnic states, with up to 30 per cent of the population coming from other societies. Australia is emblematic of such multi-ethnic societies, with about 23 per cent of the population having been born overseas.

These newcomers share a present. If they stay a long time, they may share a future. But they almost *never* share a past. They have no common histories or cultural memories, and frequently – as is the case for the 100-plus ethnic groups in Australia – do not share a language or a religion. Practically no country, nation or state can speak of 'our' history. All are the products of different pasts which have somehow to be united in a collectivity or a community in the meantime.

What is to be done with such people? It is clear that if they are excluded from decisions about what the collective good should be by earlier residents of the polity they come to inhabit in numbers that are too great (that is, numbers that are excluded from citizenship), then those societies are no longer able to claim to be democratic. Most societies continue to insist that such people prove that they 'belong' to some dominant national family first. The higher the standard, the less democratic a society becomes. The problem of today and the future is that most migrants do not wish to 'belong', except in the most basic of senses, that of participating in the overall 'political' decisions which concern the multicultural unity. This is experienced by the older, stable homogeneous societies as very threatening.

The 'communitarian' school argues that they are like families or clubs and have the right to exclude anyone who threatens their self-identity. In a softer version, it argues that the rate of flow or entry must be something the 'host society' decides is commensurate with its capacity to absorb, assimilate and integrate. But that school is passed up by economic imperatives which mean that multi-ethnic populations already

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exist. In an extreme form, communitarianism will mean exclusion and therefore strife.

As against the communitarians, there are the liberals, who, faced with multi-ethnic realities, argue for multicultural citizenship. This is a notion which is still being elaborated. Essentially, it does not argue that newcomers show that they 'belong' before those persons can be citizens. It is an inclusive system which does not demand much civic virtue. Rather, it sees a collectivity and a unity, a present and a future, as something forged together in what will only work if all the different voices are heard. It is 'strong democracy'.

This book follows the latter thinkers as it argues that the story of Australian citizenship, a forerunner of a multicultural world in development, shows that 'strong democracy' to be the more human, and therefore the practical way, forward.

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# PART I

# *From Subject to Citizen 1901–1996*

The first four chapters of this book trace the progress from the status of 'subjects' of the British monarch which Australia's inhabitants had in 1901 to that of 'citizens' of Australia which they enjoy in 1996.

Citizenship had a long history before Australia was occupied by the whites. The Australian people(s) inherited part of that history and developed on it. It also continued in parallel fashion elsewhere, to be known and learnt about by the inhabitants of Australia. Its basic ingredients are discussed in chapter 1. These ingredients were established in a structure long ago in the Greek city-states: a citizen was someone who had full and equal rights to decide what measures should be taken to attain the collective good for all citizens; the citizens deciding on and acting for the collective good thus formed a community. The size of the community – the space over which its notion of the good extended – was then one small city, some of whose inhabitants 'belonged' in the community. A citizen was thought of as if he were a family member, since who could 'belong' to the community was a family member linked by kinship ties.

However, as we show, the communitarian model was superseded when the nation-state replaced the city state in Europe in the fifteenth to twentieth centuries. Then the size of the political community became much bigger. It could no longer be mediated or thought of as united by kinship ties. In its place was created a fictitious community, the nation of citizens who might never know each other. It was created in a ruthless suppression of difference and drive to uniformity and homogeneity through indoctrination and socialisation. The new 'national family' was built on forced amnesia; the production of one ideological and false collective memory. It was fragile and fraught with a tendency towards disintegration – its drive, as Rousseau (in unusual agreement with Norberto Bobbio) stated in his consideration of the Abbé de Saint Pierre's *Project*



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*for Perpetual Peace*, was towards a dialectic of self and other, and towards internal and external war as the *natural* conditions of the nation-state system.[1] Only those who belonged to the national community could ever be citizens. The rest were silenced.

This did not pose an enormous problem while most inhabitants of a nation-state were born on its soil and shared its values. But as we show in chapters 2, 3 and 4, 98 per cent of Australia's population is made up of migrants, 'outsiders' coming into what was falsely described as a 'desert'. While the bulk were of the same stock – British and Irish – there was not much of a problem about becoming 'citizens'. But in a country of migration the issue was always that any outsiders had to prove they *belonged* by signs of adhesion like permanent residence, the learning of the national language and rejection of past associations.

After 1945 the notion of the Anglo-Celt community became increasingly untenable, although it was bitterly defended for many years. We trace how it was increasingly relinquished as Australia became less and less insistent that newcomers prove they *belonged* before getting citizenship. The struggle highlighted the impracticability of citizenship based on prior adhesion to the single fictitious collective memory, that of the national family, in a world of rapid mass migration.

By 1995 Australia was remarkably advanced in its rules, which allowed easy access to citizen rights for the waves of newcomers which were its inhabitants. However, that is only half the story of Australian citizenship. The rest is also traced in those chapters. Clearly, too-exclusionary a set of rules would mean too many people without citizen rights for a country to claim to be a democracy. With 6 per cent of its inhabitants not citizens, Australia is very good in this regard.

But Australia has claimed since before Federation to be a democracy. When we look at what a citizen here does as a *right* once admitted to that status, Australia lags greatly behind 'best practice' for democratic citizenship in a *nation-state* no matter at what point we look at the situation. Indeed, the basic right of a democratic citizen since the Greeks, the right to a vote of equal value still does not exist in Australia. Nor has it ever existed in practice in all our history, although there are marked improvements in recent times. We show that power 'from below' has not existed here both because the Anglo-Celt self-identity of Australians meant adherence to British legal and political practices which were themselves exclusionary, and because the Australian collective memory was quite false in its assumption that it had nothing to learn about democracy and human rights outside the closed British heritage.

What was striking was that the requirements for democracy in a large-scale nation-state – the procedures of representative liberal democracy,[2] – have not existed adequately here in 1901–95, and have often been

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rejected when proposed, as we show for the Whitlam period (1972–75). With few of the economic and social rights, or those to freedom of speech and organisation protected by law, and the less so because unlike most modern democratic polities Australia had no bill of rights in its Constitution, the very conditions for the existence of the neo-Kantian citizen who 'dares to think' for himself or herself did not exist until the last decade.[3]

Nevertheless, we show that bit by bit the pieces of the jigsaw of an adequate rule of law, where the citizens are free because they make the laws under which they live, have been assembled. There are still gaps and closures which prevent other parts of the mosaic being laid, but the basis for completion is finally there. The false start of the Whitlam period now is being realised in adequate citizen rights. The closures threatened by a reversion to a 'new nationalism' and 'new racism' which has emerged since 1983 need noting as they highlight the danger of the combination of economic rationalism and the slogan of national productivity and competition in a world where national sovereignty is in decline.[4]

It is Australia's proud boast that its multicultural policies show the way to the management of cultural diversity in a globalising world. If more were learnt by studying the 'state of the art' theory of democratic citizenship which has been developed elsewhere in the globalising world, this boast would be more convincing.

That theory and practice is discussed in chapter 1. While Australians have, however, ignored it, it makes clear that since the object of politics in the modern nation-state is to manage diversity and to secure to each citizen and their communities a sense of dignity and well-being which will make them willing partners in the 'everyday plebiscite', there must be participation in decision-making as close to each problem as is possible. So there should be more democracy in more places, and each different community should manage its own affairs as much as possible. This is the participatory, decentralising model of semi-federal government. It runs counter to a centralising, managerial system of experts. This will be doubly so in any regional economy and polity like the Asia Pacific Economic Cooperation organisation. We sum up that forward-looking theme in Part III.

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