Citizenship is grounded in the guarantee of legal and political protections from raw coercive power, whether that power comes in the form of the sword blade or gun barrel of soldiers, the fists of an abusing spouse or parent, or an employer's shout of 'you’re fired' that leads to a loss of work, income, status and possibly nourishment. These protections involve the 'many' obtaining control of the legitimate means of violence, the state, in order to enforce protections or rights against élites who wield public and private power. Equally important, citizenship involves protecting the 'few' who have little power (e.g. minorities of race, class, gender, and religious affiliations) who need shelter from the tyranny of the 'the many' and/or élites. These rights and protections also involve obligations or duties to interact within and promote the commonweal and political system in as much as they are needed. At a foundational level, all citizenship rights are legal and political because citizenship rights are legislated by governmental decision-making bodies, promulgated by executive orders, or enacted and later enforced by legal decisions. And what these legal and political bodies primarily make is ‘law’. Thus, legal and political rights undergird many other citizenship rights.

Citizenship may be defined as passive and active membership of individuals in a nation-state with universalistic rights and obligations at a specified level of equality (Janosi 1998: 8–11, Bottomore 1993). There are four main points of this definition. First, citizenship begins with determining membership in a nation-state, which means establishing 'personhood' or who out of the totality of denizens, natives, and subjects of a territory are recognized as being citizens with specific rights. Personhood began with a restricted group of élite citizens (e.g. the élites of Athens or the aristocrats of England) and then developed to encompass more people (e.g. 80–90% of residents in advanced industrialized countries). Non-citizens within a state (e.g. stigmatized ethnic, racial, gender, class, or disabled groups) have slowly gained rights and achieved membership. External membership concerns how aliens obtain entry and then become naturalized or accepted as citizens.

Second, citizenship involves active capacities to influence politics and passive rights of existence under a legal system (Janosi, 1998; Thompson, 1970). With passive rights alone, a beneficent dictator could rule with limited legal rights and extensive social rights in a redistributive system. Active rights bring citizens in a democracy to the foreground in politics and even the economy. When citizens become active in citizenship rights, social scientists will be concerned with measuring the levels, causes, and consequences of their participation.

Third, citizenship rights are universalistic rights enacted into law and implemented for all citizens, and not informal, unenacted or special rights. Private organizations or groups can advance claims or proposals for citizenship rights, but claims often derive from norms within subcultures and are enforced by social pressures or group rules, and they often conflict with norms in other subcultures. The process of enacting citizenship rights is an attempt to make these rights as complementary as possible.

Fourth, citizenship is a statement of equality, with rights and obligations being balanced within certain limits. The equality is not complete, but it most often entails an increase in subordinate rights vis-à-vis social élites. This equality is mainly procedural - the ability to enter the public courts, legislatures and bureaucracies - but it may also include guaranteed payments and services that have a direct impact upon substantive equality. The extent of rights actually used by citizens may also vary considerably with class and status group power (Turner 1990; Somers 1993: 602–6).

Citizenship rights and obligations exist at the individual, organizational or societal levels. At the societal level, they refer to the development of citizenship rights and obligations in countries, and the focus is on the existence, breadth, and extent of rights and obligations. At the organizational level, they concern the rights and obligations of groups to form and act in public arenas. At the micro-level, the individual definition of citizenship focuses on how each person sees the relationship of rights and obligations within a framework of balance or exchange. It traces the development of the self in relation to various political groups and the state as a critical part of citizenship, especially the development of social movement or community oriented attitudes and behaviors.

Citizenship rights exist to the extent that a claim is advanced by a particular group, and they are confirmed when the state enacts and enforces the rights to some degree. Innate or natural rights may exist as informal legal norms, rather than enacted rights (Martin, 1982). As such, they do not enter the realm of citizenship rights until they are at least politically asserted as a universal right in the public domain.

As defined, this chapter delineates the legal and political foundations of citizenship, and then examines the distinctive nature of legal and political rights, and some of the debates surrounding them. We proceed in four steps. In the first section, we analyze the scope, meanings, and theories involved in the foundations of citizenship rights, ending with the debate about univer salist and group rights. Secondly, we examine the nature and range of political and legal rights at the national level in over thirty countries according to various regime types, and then look inside countries at the variation of rights at the regional and local levels of government. In the third part of the chapter, we focus on the emergence and transformation of rights based on the personhood of new groups in social movements, and the creation and formation of rights over decades and centuries at the level of countries and nation-states. And finally, we probe the political identity of citizens including the Marshallian ‘social action’ and more recent ‘identity’ approaches.

THE FOUNDATIONS OF POLITICAL AND LEGAL RIGHTS

In this section, we examine (1) the range of citizenship rights - legal, political, social and participation rights, (2) the theoretical variety of rights using Hohfeld’s categories of rights, (3) four basic approaches to citizenship — liberal, consensual, participatory, and radical-pluralist theories, and (4) individually-based ‘universalistic’ and group-based ‘particularistic’ approaches to rights.

Table 2.1 The Theoretical Range of Citizenship Rights

<table>
<thead>
<tr>
<th>Legal Rights</th>
<th>Political Rights</th>
<th>Social Rights</th>
<th>Participation Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Security</td>
<td>1 Personal Political</td>
<td>1 Enabling Rights</td>
<td>1 Labour market rights:</td>
</tr>
<tr>
<td>Illegal</td>
<td>Vote</td>
<td>Health care</td>
<td>Labour market information</td>
</tr>
<tr>
<td>disappearances</td>
<td>Stand for office</td>
<td>Old-age pensions</td>
<td>Job placement</td>
</tr>
<tr>
<td>Torture protection</td>
<td>Freedom of information</td>
<td>Rehabilitation</td>
<td>Job creation</td>
</tr>
<tr>
<td>Capital punishment</td>
<td>Right to protest</td>
<td>Family counselling</td>
<td>Discrimination protection</td>
</tr>
</tbody>
</table>


Political Citizenship: Foundations of Rights : Handbook of Citizenship S...

Table 2.1 The Relationship of Citizenship Rights to Hohfeld’s Categories of Rights

<table>
<thead>
<tr>
<th>Hohfeld’s Categories</th>
<th>Citizenship Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rights</td>
<td></td>
</tr>
<tr>
<td>Powers</td>
<td></td>
</tr>
<tr>
<td>Claims</td>
<td></td>
</tr>
<tr>
<td>Duties</td>
<td></td>
</tr>
</tbody>
</table>

2 Organizational
Form political party
Form trade/economic unions
Social movement/opposition
Group right to assemble and protest
Cultural/minority rights

2 Opportunity Rights
Pre-primary education
Primary and secondary education
Higher education
Educational counselling

3 Membership Rights
Immigration and denizen rights
Naturalization rights
Asylum rights
Cultural rights

3 Re-distributive and Compensatory Rights
War injury benefits
Work injury benefits
Low income rights
Unemployment compensation
Rights violation compensation

3 Capital Control Rights
Wage earner funds
Central bank controls
Regional investment decisions
Anti-trust and capital escape laws
Co-determination (strategy decisions)

Political rights refer to participation in the public arena and are also largely procedural because the process of enacting legislation is not synonymous with the substance of any particular right. Legislation may also deal with many laws that have no direct effect on citizenship. Political rights include citizens’ rights to vote and participate in the political process. They also involve the procedures for electing political representatives, creating new laws, and running for and holding political office. Political rights for organizations may include legal ways of raising campaign funds, consulting with legislators on proposals, nominating political candidates, and lobbying for particular policies. Finally, political rights include oppositional rights, minority protections, protest and demonstration rights, free access to government information (e.g. Freedom of Information Act in the USA), and the ability to conduct political inquiries.

Social rights and participation rights are not the direct subject of this chapter, but to complete our foundational purposes, we briefly include them. Social rights support citizens’ claims to social status and economic subsistence. Social rights are largely individual and consist of four parts. Enabling rights consist of health care, old age pensions, rehabilitation and family or individual counseling. Opportunity rights consist of the various forms of education from pre-primary programs to postgraduate university education. Redistributive and compensatory rights involve payments for rights deprivations and they can include war injury benefits, work injury benefits, programs for the disadvantaged, unemployment compensation, and other programs involving rights violations (e.g. payments to interned Japanese-Americans and enslaved German Jews during World War II). Through participation rights, states create rights in civil society and private arenas, whether in market, public organizations, or more private venues. They refer to the individual and group rights to participate in private decision-making through some measure of control over markets, organizations, and capital. Labor market intervention rights involve public participation in job placement, retraining, and job creation programs. Organizational participation rights can range from individual rights to participate in decisions at work in co-determination and works councils, to community rights to participate in health care and environmental impact decisions (Nagel, 1997).

Each right is often pursued in specific institutional forums: legal or civil rights are mainly exercised in the courts; political rights are used in voting booths, legislatures and street protests; social rights are often activated or disputed in government buildings; and participation rights take place in corporate works councils or participatory commissions. In sum, the essence of political democracy resides in civil and political rights, and the heart of economic democracy exists in social and participation rights.

Clarifying Citizenship Rights as Rights

Because citizenship rights are multidimensional, clarification of their diverse status is necessary. By using Hohfeld’s (1978) theory of rights involving liberties, claims, powers and immunities, we can unravel much of this complexity. One exercises a liberty without obliging others to help. A claim imposes a corresponding duty on others to help respect and protect the right. Thus, a claim requires cooperation and is bounded, whereas liberties are relatively open. Powers are cooperative controls that may be imposed on others. Powers are the opposite of immunities that allow escape from controls and deliver us back to a particularistic version of personal liberties. Hohfeld’s typology of rights meshes with Marshall’s division of citizenship rights (see Table 2.2).

Civil or legal rights as liberties are open-ended. A citizen has the liberty to choose a religion and express any opinion, but liberties also require tolerance of each other’s choices and state-implemented protections of those choices. Political and participation rights are powers that represent cooperative rights where persons and groups must work together to activate these rights. Social rights are claims that directly depend on taxes paid by others to fund unemployment and public assistance benefits. Immunities are compensation for rights violations that occurred in the past and at least partially make up for past injustices or uneven burdens. As a result, they are particularistic. For instance, citizens who were drafted into the military during wartime are given preferential treatment in government work beyond the compensation they are entitled to receive.

Because immunities violate the universalistic requirement of citizenship rights, they can only be considered citizenship rights when they are used to achieve larger universalistic goals. Similar arguments can be applied to affirmative action policies.

Table 2.2 The Relationship of Citizenship Rights to Hohfeld’s Categories of Rights

<table>
<thead>
<tr>
<th>Hohfeld’s Categories</th>
<th>Citizenship Rights</th>
</tr>
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<tbody>
<tr>
<td>Rights</td>
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<td>Powers</td>
<td></td>
</tr>
<tr>
<td>Claims</td>
<td></td>
</tr>
<tr>
<td>Duties</td>
<td></td>
</tr>
</tbody>
</table>
1 **Liberties**: Unilateral protections or actions; refer to individual's ability to act as they please as long as others are not hurt.

2 **Claims**: The right to goods or services that require correlative duties from others. Unlike liberties, claims require the positive and supportive action of other persons.

3 **Powers**: The right to control cooperatively other persons or properties.

4 **Immunities**: The right to escape powers or claims.

Thus, Hohfeld's classification shows that citizenship rights are varied and not the unilateral liberties that some critics see as foundational (Giddens, 1982, 1987, 1989; Held, 1989; Mishra, 1981; Nozick, 1974; Dworkin, 1977).

### Theories of Citizenship Rights

With considerable generalization, we present four major theories of citizenship rights. To reconstruct any of these theories is a task far beyond the goals of this chapter, so we outline in Table 2.3 the basic themes of each approach (Gunsteren, 1978, 1994, 1998; Heater, 1999; Isin and Wood, 1999).

Of the four theories, liberalism is by far the dominant theory in philosophy and political theory in the Anglo-Saxon democracies, but less so in social science literatures and in other advanced industrialized countries (Locke, 1967; Kymlicka, 1990; Waldron, 1984, 1993). Liberalism puts strong emphasis on the individual, and most rights are based on liberties that adhere to each and every person (i.e. negative rights or freedoms from state or social interference). There are several theories of liberalism, but our main concern here is the position of rights and obligations in this theory. Although there are a few basic obligations to obey the laws (generally to pay taxes, refrain from assault and rebellion, and to serve in the nation's armed forces), liberalism places the clear weight of its ethical and moral theory behind individual and negative rights. Legal and political rights come first, especially civil liberties and property rights, and are balanced by only a few obligations. Thus, individual rights are primary and represent massive residual areas of wide-ranging freedoms of action. Obligations, except for obeying laws, are not emphasized, and social and participation rights are often difficult to incorporate in liberal theory mainly because they require more extensive obligations to work well. The relationship between rights and obligations is contractual or one of immediate reciprocity; that is, for each right there generally is an equal obligation (Waldron, 1984, 1993; Putnam, 1993: 87; Kymlicka, 1990; Tyler, 1990).

### Table 2.3 Four Basic Theories of Citizenship

<table>
<thead>
<tr>
<th>Individual and Consensus</th>
<th>Rights and Obligations</th>
<th>Political Institutions</th>
<th>Ideational Impetus</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Liberal Theory:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Locke, Adam Smith, T.H. Marshall, early R. Dahl, J. Rawls</td>
<td>Universalistic individual rights have precedence over obligations and the state. Group rights do not exist for ascriptive categories. Groups have rights secondary to individuals. Obligations representing the &quot;general society as a whole and in its constitutive groups are more important than self-interest.&quot;</td>
<td>Political parties aggregate categorical interests expressed by interest groups. Most action takes place in representative legislatures.</td>
<td>Citizens follow self-interests and rules in the pursuit of happiness while being tolerant.</td>
</tr>
<tr>
<td>1. Traditional liberalism, 2. Modern liberalism/pluralism</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **2 Consensual Order:** |                         |                        |                    |
| Aristotle, J.J. Rousseau, A. Etzioni, W. Galston, A. Oldfield, P. Pettit | The "general society as a whole and in its constitutive groups are more important than self-interest." | The state as a moral entity has the duty to enforce the obligations of the populace. To some degree, civil society also enforces obligations. | Citizens obey duties and work together in order to share in the good society. |
| 1. Communitarianism 2. Civic Republicanism |                        |                        |                    |

| **3 Participatory Republicanism:** J. Habermas, J. Bohman, H. van Gunsteren, Benjamin Barber, M. Warren | The human nature of citizenship is complex, but this is not a barrier to participation. Individuals are under-represented. Their participation in groups should be encouraged following certain communicative | The state and civil society formally create deliberative institutions like deliberative polling, town meetings, works, councils, | Citizens participate in a tolerant and fair way in community councils and forums in |
|                                                                                        |                                                                                  | Universalistic rights and obligations are in a complex balance. One must be careful of enforcing | |

Although there are a few basic obligations to obey the laws (generally to pay taxes, refrain from assault and rebellion, and to serve in the nation's armed forces), liberalism places the clear weight of its ethical and moral theory behind individual and negative rights. Legal and political rights come first, especially civil liberties and property rights, and are balanced by only a few obligations. Thus, individual rights are primary and represent massive residual areas of wide-ranging freedoms of action. Obligations, except for obeying laws, are not emphasized, and social and participation rights are often difficult to incorporate in liberal theory mainly because they require more extensive obligations to work well. The relationship between rights and obligations is contractual or one of immediate reciprocity; that is, for each right there generally is an equal obligation (Waldron, 1984, 1993; Putnam, 1993: 87; Kymlicka, 1990; Tyler, 1990).
Consensus gives way to participation and procedure. Cultural and ascriptive groups have cultural and procedural rights. Group rights particular to cultural and ascriptive groups are important.

4 Moderate Post-modern Pluralism

The identities of citizens are complex. This fundamentally rules out substantive consensus.

Large-scale societal groups are a bad fit to the interests of most post-modern individuals, who tend to find their expression in social movements.

Universal rights do not exist or exist to a limited degree. Group rights particular to cultural and ascriptive groups are important.

While social and group rights tend to violate liberal principles based on the individual, liberal theory often engages pluralistic theory by which individual positions on political issues are aggregated so they can be represented in democratic legislatures. John Rawls in Political Liberalism (1993) formally marries liberal and plural approaches. However, interest group liberalism does not involve group rights, but simply aggregates the rights of similar individuals in a procedural democracy. As a result, pluralist principles generally parallel liberal theory.

The second group of theories focus on consensual order, and include communitarianism and civic republicanism. Communitarianism generally opposes liberalism by putting strong emphasis on community goals. The primary concern of many communitarian theories is the effective and just functioning of society. The good society is built through mutual support and group action, not atomistic choice and individual liberty. Obligations to society may often predominate over rights because their goal is to build a strong community based on common identity, mutuality, participation, integration and some autonomy (Selznick, 1992: 362–3). In their view, liberalism is far too rights-centered (Selznick, 1992: 376–80), but while communitarianism seeks to re-establish the importance of obligations, it still tried to guarantee rights. Rights and obligations are related in a less immediate way than in liberal theory, and citizens may be expected to fulfill obligations without expecting immediate returns. Thus, there is a clear emphasis on obligations in communitarianism (Etzioni, 1991, 1993; Galston, 1991; MacIntyre, 1981, 1983; Putnam, 1993: 87; Sandel, 1982, 1984, 1996; Sullivan, 1982; Walzer, 1983, 1989, 1990).

With a long history dating back to Aristotle, Machiavelli and Rousseau (Oldfield, 1990; Heater, 1999), civic republicanism is sometimes difficult to separate from a motivational ethic in liberalism, but in many ways it is similar to communitarianism in that it emphasizes citizen obligations. However, this emphasis comes through the concept of civic virtue rather than state obligations. Petitt separates himself from liberal theory by emphasizing non-domination from the liberal’s noninterferences (2000: 10). Yet he also separates his views from communitarianism, which relies too much on the state (120–21). The emphasis of civic republicanism is clearly on civic society and how to foster the virtues of good citizens who act on behalf of others.

The third group, theories of participatory democracy, consists of expansive democratic and neo-republican theories. Expansive democracy theory emphasizes the rights and increased participation of the lower classes, women, and other excluded groups more than previous theories do. It often takes an intermediate position between liberalism and communitarianism (Singer, 1993: xiii). This position can be built on Mark Warren's notion of expansive democracy in emphasizing both rights and obligations. It emphasizes on balancing group and individual rights and obligations in both cooperative and competitive relationships. The result is a self-identity that fuses individual interests through participation in community activities, whether they are work, neighborhood, or welfare-related needs, but at the same time it protects individual civil rights. Some might refer to this as social democratic theory but this 'political party' rubric is a bit too large and unwieldy to delineate the theory presented here.

Although both communitarian and expansionary democracy theories are conceived to combat alienation and aid self-transformation, expansive democracy theory emphasizes rights to empowerment and participation (Habermas, 1989; Warren, 1992; Janoski, 1998). Deliberation in democratic processes rather than merely following democratic procedures is important. Again, balancing the influence of the state with that of groups in civil society is critical to maintaining participatory communication through many different venues from town meetings to works councils. Deliberative polls as proposed and implemented by Fishkin (1993) are important additions to the elite dominated process of public opinion formation. Work on deliberation has become highly complex (Habermas, 1996; Bohman, 1996; Fishkin, 1994), yet the principle is still simple - allow citizens to participate and communicate freely in the making of their political decisions.

Neo-republicanism describes a position taken out of civic republicanism. It emphasizes three points: that citizens (1) act publicly with other citizens in civil society (i.e. not as individuals), (2) enact an office with formal rights and duties, and (3) organize a plurality (not a majority) to guide their community of fate (van Gunsteren, 1998: 24–30). However, duty requires a certain amount of competence and operates through deliberation, debate, and tolerance. It consists of a strong and deep democracy that no longer emphasizes nationalism but rather acknowledges deep differences and loyalties between citizens (Gunsteren, 1998: 26; Barber, 1984).

In the fourth group, moderate postmodern theories of citizenship are the newest and most controversial addition to citizenship theories. While some postmodern theories claim that citizenship is dead (Wexler, 1990), others accept citizenship and politics, but modify them toward group or particularistic rights (Isin and Wood, 1999). Of these theories, we focus on two: the radical pluralist theories of citizenship and explicit theories of multicultural citizenship. Radical pluralism rejects both liberal pluralism and consensual communitarianism (LaClau and Mouffe, 1985). It envisages a constant conflict of what Mouffe refers to as ‘agonistic pluralism’ where antagonism is turned into consensus on basic democratic procedures and values while a certain degree of dissent is allowed over interpretation and implication of these positions (LaClau and Mouffe, 1985; Mouffe, 1993a, 1993b, 1993c, 1995, 1996; Torfing, 1999: 255). Mouffe separates her position from ‘deliberative democracy’ that ‘aims to establish a consensus through free and unconstrained public discussion’ (Torfing, 1999: 261). She postulates an agonistic democracy that envisages ‘confrontation between adversaries who agree on the… rules of the game while disagreeing not only about substantial, political and moral issues but also about the precise interpretation of the rules of the game’ (Mouffe, 1995: 502; Torfing, 1999: 261). The citizen is active and protesting. With this multicultural and non-essentialist theory, a modified socialist project emerges as a goal for one competing group of progressive citizens. This progressive group includes many different people, some closer to socialism but also others closer to postmodern fragmentation. Nonetheless, their major contention is that a cultural turn has taken place and that various race/ethnic gender and other groups have a claim to some type of group or cultural rights. This is the topic of the next section.

Universalistic Versus Particularistic Rights

Liberal theory has largely been hostile to the idea of group rights because liberalism is thoroughly based on the individual. Theories influenced by the...
'cultural turn' and postmodern influences find group or particularistic rights quite amenable to their purposes. While liberal and multicultural positions on group rights may claim fundamental differences, a closer look suggests a great deal of overlap in theory and practice. Much of what is referred to as women's 'group rights' falls under contingent (e.g. abortion rights), compensatory (e.g. affirmative action rights), and organizational rights (e.g. the National Organization of Women fighting for positive media coverage and legislative action). In some ways, whether contingent, compensatory or organizational rights are associated with multicultural or liberal theory probably is a moot point; they are related to both theoretical perspectives. If we look beyond these three types of rights that are shared by each theory, a small amount of conflict between universalistic and group rights is left. We will discuss these three different forms of rights below and then answer the question we have just posed.

First, universalistic citizenship rights nominally apply to everyone who is a citizen and who fits the situation for which the rights were intended. In other words, universalistic rights can be contingent without losing their universality. For instance, in some countries, all citizens have a right to public assistance, but that right is contingent on being poor and without resources (i.e. billionaires do not have a right to receive public assistance payments). Similarly, healthy citizens in their thirties who work for good wages do not qualify for old age pensions (i.e. one must be old to receive a retirement pension). The common right of citizenship does not exist for a universal or interest group citizenship right.

Second, some citizens have suffered rights deprivations in the past, and as a result, they are entitled to some form of special treatment. Affirmative action programs in the USA have provided special rights for veterans, women, African-Americans, Hispanics and others (Burstein, 1998; Penca, 1984; Skocpol, 1992; Ross, 1969). Considering Hoffst’s theory, these compensatory rights are temporary 'immunities' to equal treatment requirements of law because equal treatment for these groups has been violated in the past. If affirmative action programs and procedures become permanent rather than temporary, they are no longer compensatory rights but categorical rights, which are discussed below. Compensatory rights may also involve cash payments (e.g. the federal government in the USA paid Japanese Americans interned during World War II, and there were German payments to Jewish emigrants and victims whose property was stolen).

Third, universalistic citizenship rights also encompass organizational rights, which at the political level include the rights to form political parties and interest groups; trade unions and employer federations; and ethnic, racial or gendered associations and social movements. These are not particularistic group rights as the term is typically used. Rather, they are organizational rights whereby groups of people have rights to collectively organize and act. For example, trade unions have rights to negotiate wages, contracts grievances, bargain collectively and conduct strikes with protests and picketing. These active rights are specific to groups of workers who have formed trade unions, and if workers choose not to have a union, they do not have these rights. This does not make them particularistic or group rights. These rights are also contingent on having formed the organization in question. Similar organizational contingencies apply to interest groups formed by women, gays, and citizens of color. These rights are universalistic given the fact that all citizens may follow the legal procedures to establish their own organizations or voluntary associations.

Two common mistakes often occur with political and organizational rights. One concerns labeling all political gains or policies as rights, even though they are neither guaranteed nor universal. For instance, with organizational rights, trade unions and women's groups bargain for certain life-sustaining wages and conditions on the job. However, these bargained solutions exist for a union or interest group citizenship rights. Similarly, many different types of legislation are not citizenship rights: providing a building and budget for a new social program, designating Children's Protection Week, and giving special tax shelters or oil depletion allowances. These are not citizenship rights guaranteed by the state. It is important to recognize that all political action by legislatures and courts does not create citizenship rights. The other mistake was discussed above, but it is worth reiterating that rights of action or benefit within an organization are not citizenship rights (e.g. 'an employee of my stature has a right to a desk or a company pension'). These may be recognized within organizations as rights, but they are not citizenship rights available to all citizens.

Finally, categorical rights (i.e. often referred to as cultural or group rights) involve an exclusive entitlement to a particular activity or status, which others can use but cannot receive. In other words, these are not contingent, compensatory, or organizational rights. They form the core of what many theorists refer to as group or cultural rights, but we will call them 'categorical rights'. These kinds of rights can exist to different degrees and are laid out in Table 2.4.

In 'part a' of the section on indigenous and aboriginal rights, we list a rather wide range of rights that may not be available to the general citizenry. Self-government and sovereignty give categorical rights their own flavor. But in 'part b' of this same section, the rights do not consist of a separate system but rather particular exceptions to universalistic rights: for example, American Indians' right to catch salmon with gill nets or to establish casinos on reservations in the USA which are denied to most other American citizens, or the existence of separate legal systems in Canada that allow alternative punishments to prison (e.g. the Mexican system of fines or imprisonment in the Mexican penal system). A more formal example concerns Aboriginal rights. According to Kymlicka (1995, 1989), Indigenous law supplants national sovereignty rights in native language, and special land and water rights. In Table 2.4, these kinds of rights can exist to different degrees and are laid out in Table 2.4.

<table>
<thead>
<tr>
<th>Legal Rights</th>
<th>Political Rights</th>
<th>Social Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Indigenous or Aboriginal rights</td>
<td>1 National sovereignty rights</td>
<td>1 National sovereignty rights</td>
</tr>
<tr>
<td>2 Particularistic rights</td>
<td>2 National sovereignty rights</td>
<td>2 Social rights</td>
</tr>
</tbody>
</table>

Table 2.4 Group Rights as Categorical Rights in a Number of Countries

<table>
<thead>
<tr>
<th>1 Indigenous or Aboriginal rights</th>
<th>1 National sovereignty rights</th>
<th>1 National sovereignty rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Particularistic rights</td>
<td>2 National sovereignty rights</td>
<td>2 Social rights</td>
</tr>
</tbody>
</table>

Table 2.4 Group Rights as Categorical Rights in a Number of Countries

Legal Rights | Political Rights | Social Rights |
-------------|-----------------|--------------|
1 Indigenous or Aboriginal rights | 1 National sovereignty rights | 1 National sovereignty rights |
2 Particularistic rights | 2 National sovereignty rights | 2 Social rights |
3 Exemptions, gambling on reservations | 3 National sovereignty rights | 3 Social rights |
4 Legal, schooling and public signage rights in native language | 4 National sovereignty rights | 4 Social rights |
5 Special land and water rights | 5 National sovereignty rights | 5 Social rights |
6 Ethnic dress exemptions | 6 National sovereignty rights | 6 Social rights |
7 Self-government by tribe or nation on or off reservations, semi-autonomous substrate. | 7 National sovereignty rights | 7 Social rights |
8 Special status or vetoes in legislature | 8 National sovereignty rights | 8 Social rights |
9 Guaranteed number of seats in legislature | 9 National sovereignty rights | 9 Social rights |
10 Gerrymandering districts to
1. **National sovereignty rights**
   - Independent expenditures, taxes and budget for welfare, cultural and medical programs.

2. **Particularistic rights**
   - Special welfare benefits
   - Business start-up programs
   - Preferential government business
   - Language rights in schools
   - Cultural awareness programs only for groups
   - Multicultural rights in schools like ethnic holidays for indigenous persons only

<table>
<thead>
<tr>
<th>2 Ethnic and immigrant rights</th>
<th>Rights of return to originating country (Civil rights for immigrants)</th>
<th>Immigrant advisory councils (Election ballots translated into immigrant or ethnic citizen's primary language)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Translation rights in police actions) (Naturalization and dual nationality rights)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Abortion as bodily control rights) (Abuse rights for wives and children) (Child support rights) (Affirmative action rights)</td>
<td></td>
</tr>
<tr>
<td>3 Women's rights</td>
<td>[None, but special seats reserved for women are possible.]</td>
<td></td>
</tr>
<tr>
<td>4 Gendered rights</td>
<td>(Civil rights at work) (Benefits for gay partners at work) (Gay marriage rights)</td>
<td>[None, but special seats reserved for gays are possible.]</td>
</tr>
<tr>
<td>5 Regional rural and urban rights</td>
<td>Internal travel privileges for urban citizens/restrictions on rural people to urban areas, or vice versa</td>
<td>Regional self-government [Rural development or assistance programs]</td>
</tr>
</tbody>
</table>


Parentheses indicate right considered to be contingent or compensatory citizenship rights. Brackets indicate rights that do not exist but could exist.

Second, particular groups may pursue and obtain categorical rights, but these rights are inherently particularistic and may become discriminatory. When achieved by specific minority groups who want full expression of their culture through rituals and social structures, these rights become discriminatory toward other citizens living in the same area who become strangers without the same cultural rights. The complete achievement of group rights for ethnic and other groups might lead to a decentralized system of 'feudal' societies each with particularistic rights and different legal orders, which Dahrendorf refers to as 'sectoral citizenship' (1974: 693). Rights to free movement (geographical mobility) and employment (occupational mobility) would become strained because a system of group rights encourages separatism into substates and subsocieties.

Categorical or group rights may work better than individual rights for ethnic or racial groups who are primarily of one group; however, they may also abandon citizens with complex ethnic heritage. Multiracial or multietnic citizens with less than a tenth of any particular group are left without categorical rights. Are they not 'different' and are not all citizens entitled to be racially, ethnically, and sexually recognized? Further, some ethnic groups may not feel as strong a sense of culture and may indeed see themselves as relatively non-ethnic even though everyone has an ethnic heritage (Howard, 1992: 97–9; Dan-Cohen, 1986; Nickel, 1997; Wal, 1990).
Third, categorical rights require representation but often these representatives are not elected or otherwise legitimated. This issue does not reflect representation per se, but rather the tendency of dominant political élites to appoint ethnic or racial élites to represent 'their' people. As a result, these appointed leaders, who may be charismatic to dominant élites and legitimate to mainstream politicians, may sponsor positions that their constituents or group members do not want. In fact, the lack of group support for cultural policies or positions that may serve as evidence for the necessity of categorical rights (i.e. their group has underdeveloped or false consciousness). Categorical rights concerning citizenship need some assurances that democratic processes operate within these groups (e.g. the Landrum-Griffin Act assuring democracy within trade unions in the USA).

Representation may also affect tolerance within groups. If a group culture devalues women, the old, the young, or some other segment of their society (e.g. the American South with lynching, present-day USA with the death penalty, some African Muslim societies with clitoridectomy, the Amish with shunning, etc.), should a democratic society accept that devaluation as being legitimate because of its embeddedness in that culture? Kymlicka (1995: 172) recognizes the problem but concludes that 'dismissing the idea of self-government' will not make it go away, but we note that neither will accepting self-government (Vyver 1996: xli-xlii) as discussed in the doctrine of sphere sovereignty that allows religious groups sovereignty over such actions, but the cultural relativism implied here is often difficult to accept. In actuality, USA and Canadian courts have allowed many exceptions with religious sects such as the Amish, Hutterites, Mennonites and Doukhobors (Janzen, 1990; Durham, 1996; Vyver, 1996). Kymlicka sees external protections of ethnic and racial groups as valid, but internal restrictions on group members as invalid. This leads to some difficult distinctions on controlling the internal affairs of groups to which he would like to give self-governing rights (e.g. accepting most of French culture but being less tolerant of certain aspects of Muslim culture) (Kymlicka, 1995: 42, 164–172; Mayer, 1999). This is not an easy issue for any of the theories considered here.

Fourth, the power of dominant groups may give them undue influence over group rights in a number of ways. For instance, having legal status and the many corresponding rights accorded to them, corporations can acquire large resources and considerable power. Individuals and communities cannot match this organizational power. Consequently, countervailing power resources labor organizing, codetermination, works councils, and environmental monitoring laws - are often necessary to balance the bargaining. But what are corporate rights? In essence, they are group rights for investors who have their private assets sheltered from liability claims, and this 'limited liability' has amassed considerable power and profit. Corporate rights also enable chief executives, officers and other corporate officials to wield significant power in our society. Changing this form of group right, while not impossible and not without supporters, is unlikely. Once a group right becomes enshrined, it can be very difficult to dislodge.

While group rights have been intended for minority groups, majority groups and dominant élites can take advantage of group rights in other ways. Trade unions in the USA were forced to place their Committee on Political Education (COPE) on more solid legal footing by making it a political action committee (PAC) (Corrado et al., 1997). They were successful but corporations with deeper pockets were able to use PACs to overwhelm the contributions made by trade unions. Majorities or élites may also be able to use other group rights much more effectively than minorities. In the USA, powerful Christian churches are having success in putting forth a proposal about group rights to use 'faith-based organizations' (e.g. churches) to implement state social policies (Durham, 1996, Vyver, 1996). Can these organizations then discriminate against racial, gender, or religious groups? In the end, dominant religious groups may be much more successful than minority groups in attaining group rights despite the intent of social theorists.

Thus, there are some difficult trade-offs and thorny issues concerning each of these four issues of (1) the different strategic advantages of operating under a system of national or categorical rights, (2) the implications of (1) on discrimination and (3) representation in categorical rights, and (4) the question of dominant élite co-opting categorical rights for their own benefit and domination of minority groups.

We have kept the right to self-determination separate because it involves the liberation of nations, the creation of additional states with sovereignty, and the institutionalization of new legal systems. Nonetheless, it is a very important aspect of categorical rights. In a claim to secede, we see two issues that present great difficulties but are not necessarily insurmountable (Bartkus, 1999; Buchanan, 1991; Buchheit, 1978; Cobban, 1969; Eagleton 1953; Wood, 1981).

First, an independence movement is a clear threat to the existing state and larger society advocating universal citizenship. It can result in brutal civil wars and make the state vulnerable to territorial threats because of destabilized international relations. According to Weber, the state has the legitimate right to use of force, which means that secession creates a dispute between two groups that claim coercion as a means to obtain their goals. While secession may be peaceful (e.g. the separation of the Slovak and Czech Republics, Norway and Sweden, and Scotland and Wales in the UK), more often it involves violence. For instance, the United Nations approved the 1,700,000 Kurds to seek asylum in Iran and Turkey (Bartkus, 1999: 65). Other recent examples involve Bengalis in Pakistan; Biafrans in Nigeria; Eritreans in Ethiopia; Nagas and Kashmiris in India; Karen in Burma; Katangans in the Congo; Chechens in Russia; Basques and Catalonians in Spain; Tamils in Sri Lanka; and Tibetans in China. The violence in these attempted secessions has been highly destructive and caused great loss of rights and life. On the other hand, the vast majority of violence has often been committed by states who oppose secession, and if these states were to forego their claims, less violence would result.

Second, the self-determination of a people assumes a fixed and somewhat pure ethnic or racial group that has closed over culture and other norms. This very group must not have subcultures or subgroups that may themselves seek independence. Claims for the presumably closed and homogenous group are very difficult to make clearly in multicultural societies with substantial but variable rates of intermarriage (Packer, 1999; Little, 1996). More often than not, such closed societies do not exist, especially because of international migration and globalization, which are at odds with closure. Even worse, this strong need for ethnic or racial community has a tendency toward ethnic cleansing, which ranges from encouraging emigration to plain murder (e.g. the Christian cleansing of Muslims in the former Yugoslavia in the 1990s, and the newly formed Hungarian state pushing an ethnic purification policy after it gained independence from the Austro-Hungarian Empire in the second half of the nineteenth century). Thus, ethnic repression against these smaller minorities within the new state may actually be greater than before secession.

Arguing against this point of 'minority nationalism,' Kymlicka uses the term 'post-ethnic multiculturalism' (2000: 229–32), which appears to mean a form of tolerance that can exist within nation-state and/or within semi-autonomous regions or groups within the nation-state (e.g. the wide-ranging acceptance of immigrants from all over the world in Quebec). While groups such as the Québécois may have a sense of group culture and the boundaries of that culture, that does not mean that they cannot at the same time be open to multiculturalism. How far many countries are past 'minority nationalism', however, is a telling question on whether this concept works or not.

There may very well be legitimate claims to secession, but the point we are making is that to exercise this controversial right may be more complicated and involved than nationalists group think. Secession's provocations of violence should clearly make one extremely careful in using it (as one would be careful calling for revolution). Many of these ethnic and racial problems can be solved through participatory structures (rather than complete secession or greater democracy) that capture local and regional resources. However, these processes do not always work (e.g. despite considerable autonomy, the Basque claims to secession are still backed by terrorism) (Gibbons, 1999: 13–38). Or they can be solved by independence in successful secession, but this process may be hard to control and unenforceable may be lurking for many years.

In sum, the nearly opposite theoretical positions of liberalism and multicultural theory have more in common than most recognize. Contingent, compensatory, and organizational rights supply an overlap between the two theories. For the most part, liberal theories fail to recognize the frequent existence and value of group rights in many democratic societies, and multicultural theories fail to perceive the usefulness of universalistic rights in advancing many ethnic, racial and gender groups.
The strongest case for group rights is advanced by indigenous peoples since they often form fundamentally different countercultures with at least some geographical closure - American Indians, New Zealand Maori, Canadian Inuit, Nordic Sami, and Australian Aborigines (Havemann, 1999; Isin and Wood, 1999: 47–70). They can also claim some initial citizenship (i.e. *jus soli* as first citizens rather than *terra nullis* as non-inhabitants). Since rights for cultural categories work best for groups who have clear cultural and geographical boundaries, indigenous populations can effectively make claims because they have these boundaries. Also their conceptions of property and social organization are often inherently collective, making their law quite different (as are the Amish and other religious sects who live collectively and have received exemptions). If a nation lives more or less separately, then rights and obligations can be relatively clear and cultures can be celebrated with state support. For categories of people who intend to live together with other peoples, contingent, compensatory, and organizational rights may very well be enough (e.g. women, gays, racial minorities, and various immigrant groups). But for the most part, special and univer salistic rights will continue to live together in an uneasy relationship, and we must avoid a politically naïve position that powerful groups will not use categorical rights to increase rather than lessen domination.

THE EXTENT OF LEGAL AND POLITICAL RIGHTS

The range and nature of legal and political rights differs considerably around the world and we now look at these differences in thirty countries.

**Legal Rights**

We group legal rights and duties into three categories: reasonable security of person, access to justice, and freedom of conscience. Rights to personal security include freedoms from government torture, the imposition of the death penalty, and freedom to control your own body through contraception.

The right to personal security 'consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation' (Kriegl, 1995: 40). It allows individuals to conduct their lives without interference from the state, other groups, and individuals. It obligates the state to protect the individual's right to personal security. An example of the right to personal security is the right to be secure from marital rape. Although the right to be secure from marital rape may belong to the right to control one's body, the notion here is the right to be personally secure and safe. Another example is a child's right not to be subject to harm or abuse.

The right to confront one's body is the ability to decide how one takes care of one's body and mind and one's health. This right may be active compared to the right to personal security, but in the same way protects the individual from interference from the state, other groups, and individuals. This right also obligates the state to protect individuals' right to control their body and mind. An important contemporary example is the freedom to choose or reject an abortion. Although abortion is sometimes based in the right to privacy, the decision to abort frequently involves the mother's right to control her own body. The decision whether to receive medical and psychiatric treatment is also based on the right to control the body and mind.

In some countries, the right to privacy is the basis of the right to personal security and the right to control one's body. We differentiate the right to privacy because in some countries it does not provide the legal foundation of these other rights and because it is apparently becoming important in other areas of life, most notably use of electronic devices and the Internet.

Like the rights to conscience and choice, the right to personal security necessitates the willingness to obey laws and tolerate other people's choices. The effective use of the right to personal security also obligates individuals to report violations of those rights and to help others.

Second, rights that support or facilitate access to justice are rights that provide access to court and, once in court, support efforts to gain justice. Rights that support access to justice typically are legal rights and include the rights to legal representation, free legal assistance, waiver of court fees, confrontation with your accuser, and a jury trial. The right to legal representation means an individual has the right to have legal counsel in court, whether criminal or civil. This right is important when confronting the complexity of some kinds of legal proceedings and the difficulty of representing one's own interests. States must ensure this right is fulfilled by providing legal representation without direct charge to the represented. Many governments fulfill this right for criminal cases, but not all states fulfill this right for civil cases. The right to free legal representation is similar to the right to legal representation, but it is typically available to indigents to ensure that they receive legal representation and advice in court.

The right to confront your accuser is based in the notion of procedural and substantive due process. A person has the right to confront the party who may affect their liberty and property. The notion of 'due process of law' implies the right of an individual to be present before the tribunal that pronounces judgment upon her or him. To enforce this right to the fullest means the individual has the opportunity to be heard, by testimony or otherwise, and to challenge every material fact that bears on the question. It allows one to be heard in court while prohibiting the state and others from damaging one's liberty or property without notice.

Obligations supporting rights that provide access to justice include the obligation to testify, appear in court as a party to a lawsuit, and to serve on a jury. The duty of testifying in court obligates an individual to appear so that another citizen who is subject to legal action is not deprived of their rights.

The right to personal security 'consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation' (Kriegl, 1995: 40). It allows individuals to conduct their lives without interference from the state, other groups, and individuals. It obligates the state to protect the individual's right to personal security. An example of the right to personal security is the right to be secure from marital rape. Although the right to be secure from marital rape may belong to the right to control one's body, the notion here is the right to be personally secure and safe. Another example is a child's right not to be subject to harm or abuse.

Obligations supporting rights that provide access to justice include the obligation to testify, appear in court as a party to a lawsuit, and to serve on a jury. The duty of testifying in court obligates an individual to appear so that another citizen who is subject to legal action is not deprived of their rights. It gives substantive meaning to the right to confront and be judged by your peers. The right to a jury trial, of course, is meaningless if juries cannot be formed from a pool of responsible citizens, which means those citizens must be willing to serve.

Third, rights to conscience and choice allow individuals to maintain their values and beliefs in and live according to religious, philosophical, or even amoral principles. Rights to conscience and choice usually are legal rights and include the freedom of speech and the press, the freedom to practice religion, the right to choose a marriage partner, the right to choose an occupation, and other rights. The freedom of speech and the press is the ability to speak, publish, or transmit information to other people, including speaking or e-mailing. These rights are universalistic rights that allow individuals and groups to challenge and criticize the state, to comment on other individuals and groups, and to do so without interference from the state or others in civil society. The freedom to practice or not to practice religion and to maintain one's conscience is the ability to believe in and live according to religious, philosophical or other principles. The freedom to marry allows an individual to choose a partner freely and without interference from the state. The rights to conscience and choice include other such rights as the right to choose a gender and the right to choose membership in an ethnic group.

Obligations supporting the rights to conscience and choice include tolerance and obeying the law. The obligation to tolerate the practice of others' rights, opinions, and lifestyles is a universal obligation. An example is allowing others' religious opinions and modes of worship that are contrary to, or different from, one's own religion or dominant beliefs. Laws are frequently important to safeguard the rights to conscience and choice, and obeying these laws is important for allowing individuals to exercise these rights and freedoms. These various laws may often conflict (e.g. unconditional freedom of speech versus freedom from racial or sexual discrimination in banning hateful and public actions) so that ironing out conflicting rights may be quite complex (Rowan, 1999; Anderson, 1987).

**Political Rights**

This discussion of political rights focuses on four types of rights: personal political rights, organizational rights, membership rights, and group self-determination rights. First, personal political rights consist of voting in elections for a multiplicity of competing candidates chosen through a democratic political process. Assuring the legitimacy of elections has proven more difficult than previously assumed in the USA with the very close 2000 presidential elections. Countries differ according to how difficult it is to vote (e.g. registration procedures, secrecy of the ballots, disfranchisement of past crimes, poll taxes, literacy tests, and outright discrimination) (Piven and Cloward, 1988). Voting methods may allow for serious undercounts by spoiled ballots or outright corruption (e.g. the confusing ‘butterfly ballot’ in the 2000 Florida presidential election). Standing for office is restricted to certified candidates and electoral offices may have various aspiritive requirements. For instance, there are age and birth requirements for the USA presidency (candidates must be at least 35 years old and born in the country).

Second, organizational political rights refer to the rights of political parties, interest groups, and social movements to form and take action in legislative forums, the courts, and in the media. As with voting and legislating, these rights are not substantive but procedural. Political parties can freely form to participate in selecting candidates to run for office, and if they win, political parties may play a prominent role in the ruling of the country. Interest groups may form, collect money through contributions, give money to candidates in many countries, and influence politicians to enact their policy preferences. In the USA, corporations and trade unions cannot give candidates money directly, but there are rules (soft money and separate
organizational principles) that allow them to subvert these rules (Corrado et al., 1997). Social movements and trade unions may take part in specific oppositional activities such as protesting, demonstrating, and striking. These rights are considerably different between countries.

Third, countries differ according to their propensity to grant membership to citizens within and outside of their borders. Immigration quotas for certain sending countries were quite popular before the 1960s, especially concerning Asian immigrants (e.g., the USA and Australia had very small quotas for Chinese immigrants). More recently, immigrants have been controlled through occupational and family reunification procedures. Some countries deny being countries of immigration (e.g., Germany and Switzerland) and as a result restrict many immigrants to guest-worker status with the expectation that they will return to their home countries. By and large, only Switzerland has been successful in sending immigrants back. Other countries ban certain types of immigration within their country and emigration to other countries (e.g., the USSR and other communist governments).

Naturalization rights refer to the procedures that an immigrant must go through in order to become a citizen. In the most general cases, immigrants must be in the country for a specified period of time (three years in Australia to twelve in Switzerland), demonstrate knowledge of the language (rudimentary in the USA or more advanced in Germany), have good character (not having a traffic ticket in Japan or being a felon in the USA), and so on (Jansosi and Glennie, 1995; Hammar, 1985; 1990; Soysal 1994). In two specific cases, naturalization may be short-term or even immediate. Spouses of citizens and adopted young children from other countries are afforded courtesy naturalization, and children born in the country are allowed to become a citizen in many Anglo-Saxon countries under jus soli principles.

Fourth, the right of a group of people to self-determination is not an individual right since one person cannot form a government. This is a group right afforded to regional, ethnic, or racial groups who claim that they are a nation and should stand independently with some form of sovereignty. Countries can emerge out of other larger countries or empires in one of two ways: decolonization and secession. Decolonization takes place when a country existed and then was taken over by a colonizing country. The usually distinct peoples of the colony develop nationalistic consciousness often through discrimination and illegitimacy claims, with social movements and political parties, and through force or sometimes non-violent resistance pressure the colonizer to grant them freedom and sovereignty. The major European colonizers have largely gone through the decolonization process and former colonies are now independent states (e.g. Algeria and Vietnam decolonized from France; Nigeria and India separated from the UK, and Indonesia and Surinam gained independence from the Netherlands).

Countries can also emerge out of non-colonial secession processes but this is more difficult (Bartkus, 1999: 10–12). To succeed, secession movements need discontent, leaders, a distinct community and a geographical base (e.g., secession from within occurred with Singapore from Malaysia and by invasion from a neighboring country with Texas from Mexico). Nations such as the Kurds have had a great deal of difficulty because their peoples span four countries (Turkey, Iran, Iraq, and Pakistan), which makes the secession process difficult. Unsuccessful secession attempts are numerous, but the Southern states attempt during the USA Civil War is one example. Indigenous peoples often make secessionist claims for national status, but more often than not, these are more limited separations that may evolve into limited sovereignty (e.g. Nunavut in Canada) or consociationalism (e.g. the Flemish and Walloons in Belgium).

In Table 2.5, we examine some measures of political and legal rights in 31 countries. We summarize the level of legal and political rights for these countries across democracies, democratizing countries, and countries governed by dictatorships. Democracies are characterized by their political-economic orientation: social democratic, traditional and liberal.

Among the social democratic countries, all countries have Humana (1983, 1992) rights scores above 83. Based on group summary scores, the social democratic countries have the highest level of legal and political rights, which is also indicated on the Freedom House ranking (1999). Traditional countries have Humana rights scores ranging from 66 to 100, but Italy scores lowest among the traditional democracies with a summary score of 90. The liberal democracies range from 44 to 100, although Freedom House summary scores rank them in the 1 category. Japan receives the lowest Humana score among the liberal democracies at an average of 82. On the whole, these democracies score high on measures of legal and political rights, but across categories differences exist with social democracies scoring highest and liberal democracies tending to score lowest.

The democratizing countries score two to four on the Freedom House measure with the Humana scores for specific legal and political rights range from 33 to 92. Within this group, Poland and Argentina score highest while Nigeria, South Africa, and India score much lower. Governments characterized as dictatorships receive the lowest scores on legal and political rights. China, North Korea and Iraq earn Freedom House’s lowest score of six and seven, and on certain rights they sometimes drop to Humana’s lowest score of zero.

**Levels of Government Organization and Citizenship**

Citizenship varies most across different levels of government in federal systems but much less so in more centralized countries (Norton 1994). In the USA, states have their own constitutions and statements of rights. Federal law takes precedence on issues and claims over which it has jurisdiction, but otherwise, state law controls. On the whole, there are three levels of citizenship rights. First, national-level rights are found in constitutions and national legislation that maintain basic principles of legal and political rights, including due process rights and voting rights. Second, regional rights exist at the state, provincial, departmental, and Land level. These regions may have constitutions and bills of rights, but they generally are subject to the sovereignty of national rights. For instance, in Canada many strong rights are unique in Quebec, but in France much weaker rights are provided at the département level.

### Table 2.5 Measures of Legal and Political Rights in 31 Countries

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<td>Sources: Freedom House/FH (1999); Humana (1992). Variables: (1) Summary of legal rights comes from both Freedom House (ranked 1 = high in rights to 7 = low in rights) and Humana (100 = high in rights, 0 = low; averages taken of following scores: Y = 100, y = 66, n = 33, N = 0); (2) The security of person: freedom from torture, absence of the death penalty, and freedom to&lt;br&gt;contracept (Humana); (3) Access to justice: freedom from unlawful detention and ability to be represented by a defense attorney (Humana); (4) Freedom of conscience: freedom of religion, freedom of speech (average of three variables - censorship of art, the press, and mail/phone - reported in parentheses), and freedom of gender choice (average of four variables - female equality, marriage, divorce, and privacy - reported in parentheses) (Humana);</td>
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