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## Citizen and Citizenship Rights

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**Abstract.** Citizenship rights is a set of rights and rules that governs in macro society, state-country and is a mixture of tasks and responsibilities of citizens toward each other and/ or government in its common meaning and also rights and privileges that government should satisfy them. Citizenship essentially is not held a normal system, because it has extended links with values and historical and social evolutions. In addition, values of human rights claim have extended the entire world, but basic framework of citizenship is compliance. Citizenship rights have four basic domains, including civil, political, economical and cultural, but participation is the central pillar of all mentioned domains. This paper discusses about rights the same as personal freedom, public rights and their relation with state.

Keywords: Citizenship rights, human rights, fundamental rights, individual rights, justice, human dignity

#### 1. INTRODUCTION

The subject of "citizenship rights" is the most important issue of contemporary rights and is a new emerged concept and subject that specially considers to priority of justice and has found a special place in social and political theories. More than everything, citizenship rights argue about rights that everyone as a citizen of state acquires them, including residence, education, hygiene, and extends to just trial rights. Citizenship rights realize when all the people of society acquire all civil and political rights, and citizen as a member of society have responsibilities along with better governance of society and establishing social order and recognition of these interactive rights has an effective role in promoting the citizenship rights and establishing a society based on social order and justice.

Human rights is the controller of human's natural rights of free human being, and is inevitable, and is irrevocable, and guarantee of this donation for safe-guarding the basic freedom of human being is very important. Islam also as an extended religion has considered different dimensions of human's life and has stipulated and clear advices for social relations of people as nobles of creation, and has comments about value of their lives and their equity without considering to their race, skin color and ... Human rights declaration and citizenship rights that dated 26 august 1789, by revolution of France that is specified by individualism and constitution laws of countries in the world have been derived from it, dose not separate human rights from citizenship and both of them, in fact, are applied as synonyms. The purpose of citizen and citizens in declaration of human rights, are all human beings that substantially have rights that are not transferable, and are not diminishable over time, and should be respected by state. Declaration of human rights and citizenship rights of France, recognizes that governance belongs to all citizens and recognizes laws as symbols of public will and supporter of freedom for all people, and believes that all people, individually or by their representatives, participate in legislation and laws specify legal limitations of all people, and laws could not and should not be

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against natural rights of individuals. A list of human rights has been mentioned in universal declaration of human rights and charter of United Nations includes: Rights of life, freedom, residence, equality, just trial, protection against mal-usage of power, protection against each kind of torture, etc.

# 2. DEFINITION OF CITIZENSHIP RIGHT

For citizenship rights different definitions have been presented. One of them defines citizenship rights as: "A set of freedoms that people of a society enjoy them that is called individual rights and freedoms, public rights, rights of citizens, human rights and citizenship rights idiomatically."

Urban is not only a society of residents of a given area but also presents a concept of independent political unit and due this reason, citizen is not called only the resident of a city but also it is accompanied with a meaning beyond such words.

Though a citizen is a resident of a city, also he/ she participates in organizing the city and preparing and constituting the rules of social life in the city and providing rule of law in the city and in country.

Citizen is a composition of city and zen. City means a human society and zen relates to dependent member to this society. Citizen is a person who knows his/ her private and social rights and defends them, he/ she knows law and applies it and participates in affairs of the city.

#### 3. NATURE OF CITIZENSHIP RIGHTS

Though citizenship is also applied as synonym of "citizen" but is different from "citizen", because citizenship is specified for true persons and for legal entities such a concept and such a right is not conceived. The word citizen has a social weight and a legal weight, it means that content of the word citizen in one side refers to the manner of human interaction in the society, and in other side these rights are meant besides other rights and the word citizen substantially includes citizenship rights and is held as a set of rights, tasks and liabilities of each person, because one reason for defining of citizen is enacting the citizenship rights and preserving the freedom of each resident individual of the society as that does not impact freedoms of others that this matter needs enacting tasks and liabilities besides each rights the same as citizenship rights (Rezaeipoor 2005, page 20).

Citizenship rights or public freedoms or citizenship freedoms are a set of civil, political, social and economical rights that a person as a citizen of state or country enjoys them and the pillar guarantee of rights is law that in each society, state as representative of its citizens is mandated to approve them as (rights of nation or public freedoms) in framework of the declaration of human rights and enforce them and state-country is a framework that inside its boundaries, those fundamental rights are applied and in this relation, all concepts related to personal rights in the society emerges its meaning and concept (Ghazi 2004, page 122).

Citizenship rights more than all, refer to rights that each person as a citizen of state enjoys them, including: proper residence, reasonable education and training and the right of participating in political and managerial structure and just trial.

In fact, this is the law that specifies the rights limitations of all people and law could not and should not be against natural rights of individual (Motameni Tabatabai 200, page 10).

Hence, the glory of law is that guarantees personal rights and freedoms and social solidarity.

(Mateo 2012, page 151) has argued, law that sometimes was a kind of ireful order, now is introduced as a tool for freedom. Law that sometimes was founded on authority of government and was confirmed by democracy and delegation now is founded on right and is legislated by moral self-disciplined. Thus, today law basically is not a subject of will or intention, but is a dimension of wisdom. Therefore, (Laylin 2012. Page 277) argued that constitution causes discipline of all affairs in each country and is determinant of stable relation of governors and subordinates of a political society.

Practical obligation for applying this important law fills all gaps and pores of authoritarianism and provides causes of efforts for acquiring political and social justice (Hashemi 2005, page 182).

Realization of fundamental idea of citizenship rights and also activating of citizens, owning the right of determining the destiny by people that is the most fundamental right in domain of civil rights and political rights and the right of vote and being elected are prominent samples of the right of determining self-destiny. This right is rooted in a moral principal as extremity of human being and necessity of banning the instrumentally usage of human being (in accordance with Kant's idea).

Whereas all human beings are equal in humanity, morally it will not be acceptable that people let themselves to rule others and limit their freedom without their election and their satisfaction.

In other word, fundamentally dialogue about responsible and moral human and also dialogue about just regime society is not possible when on the other hand freedom of election (the right of vote and being elected) is denied (Sayed Fatemi Ghari 2003, page 124).

Citizenship rights in western countries is placed subsidiary of political science and further includes participation rights of citizens in handling of country's affairs and different dimensions of it. Therefore, approaches to political and public rights (as special meaning), but this meanings do not separate citizenship rights from human rights and both of these two concepts are so similar that their common similarity makes difficult their differentiation.

For separating these two subjects, a few axes can be mentioned:

- Owner of human rights is a human being that by his/ her membership in human society as a global citizen can enjoy human rights while citizenship rights belong to human beings that are member of a state or country.
- Human rights talks about each of human being, each of organization and human society and advice sometimes and orders something while citizenship rights talk about special society or special individual inside boundaries of a country.
- Concepts of human rights commonly are metaphysic, therefore they are on the whole and have ambiguities, but citizenship rights have not ambiguity because directly deal with people and are being applied though are established based on the same foundation as human rights.
- There is another view based on equality of human rights and citizenship rights. In accordance with this opinion, there is no substantive difference between them and it seems that this view is applied in subjective laws of I.R. of Iran. For clarifying of this subject, explaining about different kinds of rights is needed.

# **Divisions of Individual Rights in Citizenship Rights**

# **A: Political Rights:**

Political right is an authority that a person has for participating in public powers (legislation power ,executive power or state) and governmental organizations the same as right of vote and right of being elected in citizenship (nationality).

## **B:** Public Rights

Public rights are related to personality of human being and include relation of state and people the same as right of life, freedom of express that title of third chapter of Iran's constitution about "rights of nation" includes these categories of rights.

# C: Private Rights

Private rights are authorities that each person has vis-à-vis others the same as right of ownership, paternal right, right of witness and right of benefiting.

First two groups of above mentioned rights are rights that relate to respect and personality of human being and has been sub group of values that are abound and some of them has been globalized (Katozian 2007, page 381).

## 4. DETERMINING RELATION OF CITIZENSHIP RIGHTS AND HUMAN RIGHTS

Apparently determining relation of citizenship rights and human rights will be easy after explaining and interpreting history of these two concepts and their bases by a glance.

If we accept the basic idea of citizenship as right of determining the destiny, it means that citizenship rights try to guarantee the destiny of each person in his/ her society (social life) and determining rights and benefits for him/ her due to citizenship, then citizenship and realization of related rights will have extended link with participation of citizens for determining their political, economic, social and cultural destiny.

This participation should provide possibility of following the goals in framework of social contracts is situations that all people are equal in rights and tasks.

Beneficiaries of rights in citizenship system include citizens of a state or citizens and state. Relationship that links both of them has dual nature because has two direction.

In fact, citizenship is a systematic social planning for limiting the state and developing collective management that its social aspect is more prominent in this system that its basic aspect in membership, along with rights, also social tasks and responsibilities the same as defending of country, paying taxes and obedience of law will be considered. Social responsibility of citizen not only is not limited to state but also is extended to responsibility vis-a-vis citizen. In another word, all people are responsible vis-a-vis all other people. Values of this system necessarily are not normal but also have historical, social and cultural nature so as that links citizenship to social history and evolutions.

On the other hand, human rights that have been emerged from moral values have normal nature so as dialogue of human rights has embedded other sub-dialogues in itself. Undoubtedly it can be claimed that concepts the same as right of freedom, equality and justice have rooted so as that each of them forms influenced dialogue in area of human science individually.

The relation that creates legal shape in this dialogue mostly is one dimensional because its nature refers to claim and therefore people become claimants of these rights.

Thus, human rights (first version and second version) are a dialogue based on right not based on right and task (or duty). In this dialogue if there are tasks that certainly there are some tasks, only related to liabilities of people who are vis-a-vis owners of rights, they are mainly states. In addition, dialogue of human rights, draws rights from tasks of states. Therefore, it is clearer that against citizenship rights, in this dialogue (human rights) there is no evidence of tasks and rights are moral claims and following them, legal claims seeking for guarantee a range of freedom to ensure and to preserve moral entity of individual. Nature of those rights is individual, because these rights belong to a person because he/she is a human being and also in procedure of acquiring and implementing, they can be claimed and implemented individually.

Also it is needed to mention this point that individual rights are applied vis-a-vis collective rights. Collective rights are held the rights that belong to a community, a group, a society, a population due to their collective nature and is claimed and applied collectively.

Citizenship rights or rights that are related to citizenship further have collectivism nature than individualism nature. For example, participation in political affair of society and the right to vote and right to peaceful assembly at least all of them in level of claim and applying have collectivism nature. In other word, human right is for supporting individual against state due to individualism nature of human rights. In this concept, as there is no balance between power of individual and society and government (individual has less power than society and government), inalienable rights have been devoted to individual to protect his/her human existence against state.

Also state (government) is obligated to preserve them. But citizenship initially has not been merely a right, but also has been clarified by composition of rights and tasks (or duty) and concepts the same as belonging (to society), morale and participation are in it.

Another point is the domain of rights. The domain of citizenship rights is limited to a state or country, because basic pillar of citizenship is membership while human rights have a worldwide claim and do not let such pillars to intervene in enjoying of rights and freedoms.

From what have been said should not conclude that human rights and citizenship rights have equal relation and these two concepts have no relation with each other. In a more perceive view to philosophical meaning of these to subjects, we will find common bases between them: freedom and authority of human are samples of these meanings. Applying of citizenship rights needs enjoying of rights, those rights that we should know them as human rights and most of these rights have been guaranteed by international conventions and resolutions (of united nations).

Also the main supporters of these two rights are states.

In fact, it can be said that civil-political rights are overlapping zones that link human rights and citizenship rights to each other because civil rights that support physical and intellectual entity of individual or political rights that prepares individual for powerful participation in political life, are common aspects of human rights and citizenship rights. Of course, nature of human rights that are related to political rights and related to rights of determining destiny and often realizes by participation, have more similarity.

## **Modern Citizenship Rights**

By surveying the method of performance and current regulation in most of countries including Islamic Republic of Iran, we can understand that reaching to stable development, needs to achieve the concept of task or duty beside determined rights for citizens that in fact accounts as "modern theory of citizenship" along with stable urban and local development. Modern citizenship rights have two prominent specifications that separate it from other concepts:

First, modern citizenship right is separate from human rights, then its concepts, goals and foundations should be investigated separately and its performances also will be different.

Link of this course with human rights and social and cultural concepts related to citizenship, always will not mean its dependence, because all courses of human science are related to each other respectively.

Second, modern citizenship rights include relations of citizens with each other and also with governmental organization and from this view, it should be considered as a special comment of common concept of "citizenship rights". True cognition of "modern citizenship rights" and its two mentioned specifications needs precise lawful reasoning.

#### Relation of people and state in framework of modern citizenship right

Based on above mentioned, relation of state and people in framework of modern citizenship right, more than relying on commanding of state and its authority, has been founded on mutual relation and

cooperation. Though in some important concepts, governance (rule) of state is applied but further rights and special tasks for realization of citizenship rights is on burden of state and people.

Modern citizenship rights provide the best base for participation of citizens in affairs that they had not any right to intervene in them before.

Citizenship by their elected councils, intervene in legislation and handling the affair of their city (Ahmadi 2004, page 267).

From view of performance, in liberal governments the role of state is further along with rights and freedoms should not be damaged. In this structure, state is an important judge and not only acts based on what citizens want, and guarantees freedom, of course guarantee of freedoms is not final goal. State provides bases for all citizens to enjoy their social rights. For example, social welfare and supporting the public rights are parts of state's performance. Also in some cases, state is lack of impartiality. State has right that to link freedoms of citizens to respect the rights of others and limit their freedoms due to representing the rights of others.

Liberals defines citizenship by natural rights of each person, since socialism recognizes them as rights that emerge from membership of individual in a special society. Liberal regime explains the rights so as merely that rights are inherent for each individual and socialists recognize them as dependent to society and burdens some tasks or duties to citizen beside their rights.

Though liberal notion have had special effects on obligation of accepting the individual freedoms by government who never considered to these tights, but by adapting public and political rights for citizens and placement of them over the time, attitude to views that have investigated the relation of citizen-state have increased.

Concept of "welfare state" emerged from this evolution and its prominent symbol and promising the determination of tasks for state based on necessity of providing the most social welfare and security for citizens.

From view of legislation, modern citizenship rights are based on this point that area of legislation should not be origin of solid, technical and inexperienced laws, merely.

Idea of creative legislation emphasizes on this point that law should belong to society and should consider to social tasks.

Of course this idea is applied about method of handling the social affairs and emphasizes on necessity of delegating social affairs to citizens and accepting responsibility by citizens.

For example in Britain, city council supervises on offering proper civil services to citizens and tourists and non-citizen workers.

This action is done for proper advancing of urban affairs and social life and in this structure; officials are responsible to be aware of responding citizens based on liability that have accepted.

## **Training of Citizenship**

Main subject about citizenship rights is acquaintance of citizens related to current laws and rules.

There is a question that for accelerating the process of changing the resident of city to participating and active citizens that become aware of their rights in public areas, what should be done? So as learning each art or profession needs to participate and perseverance, getting citizen needs learning and educating and then needs to practice. These practices should be done by cooperation and participation of citizens with material and intellectual supporting of responsible educational institutions. However, different researchers have shown that education and training have a determinant role in participation of people in social and cultural grounds as citizens.

Before everything, people should acquire some knowledge that in the light of them to understand their tasks, liabilities and citizenship and social rights and become well-known of quality of social institutes tasks and what is being done.

Also for succeeding of states in doing their duties properly, citizens should be familiar with many of laws and rules about different subjects the same as taxes, conscription, hygiene, dealing with events, etc.

Citizens who are lack of these knowledge and non-familiar with their tasks and civil rights, cannot open any node of their problems, and cannot decrease burden of state. Therefore, it is needed that each society, provide facilities and tools for training of citizens and teaching theme, their rights, tasks and responsibilities.

In I.R. of Iran many people suppose that all problems about citizenship rights refer to state with this perception, if rights including citizenship rights have promoted in society (Iran), should be held due to will and intention of state and if society could not reach to a proper level of criteria of citizenship rights, this is state that did not want that society to enjoy the citizenship rights so as needed. In this kind of view that has been existed in Iranian political-social and legal notion, role and importance of social relation has been interdicted in formation and quality of rights and rights means a one side road that its existence and absence only related to will and intention of state and passengers of road are not more that inactive and plastic and artists of scenario that has been written by government. Responsibilities of people or by a better expression, citizens in this view are hardly susceptible. In fact, by this kind of responsibility of citizen about changes of citizenship rights, nation and each of citizens have mutual responsibility with state (Noroozi 2006, page 47).

## **Bases and Theoretical Principals of Global Citizenship**

Justifying and institutionalizing the global citizenship theory, from one side base and criterion is needed for creating responsibility and right for citizens in level of transnational and from other side this analysis hardly can be based on values, because in this case, it will be lack of efficiency vis-a-vis people that apparently think, they are not dependent to any of social affairs. Despite existence of institutions and political organizations in international level (including investigating, judicial and executive organizations) and also activities of NGOs in this area, reaching to citizenship together with responsibility, in outside of national borders can be promising, but the fact is that none of subjects can be imposed to developed societies without scientific analysis and acceptance of people.

Because by neglecting of this subject that establishing of organization cannot be justified as motivation for attitude toward global citizenship, even by supposing that evolving toward a political regime in international level, cannot be a reason for trusting to what is fostered in countries.

Certainly, whereas determining the tasks of one state by other state (that in fact is considered as illegal force or impose), more than intervention in determining or changing political destiny of country, causes impacts to citizens, therefore global citizens should be permitted reach against this procedure and ask preventing of foreign interventions.

Lack of guarantee for implementing of law is an ever problem in international interactions and does not give right to global citizens more than this and gives the authority of decision making about this subject to international organizations. Thus, another difficulty should be added to this idea of citizenship and that is intangible effects of lacking of guarantee for implementing of this idea that makes impossible in practice and has negative effects the same as intervention in governance of states. Also in political studies, there is no room for this definition.

Though, thought of human right is recognized as meaning of basic rights for all people in universal declaration of human rights, international convention of civil and political rights, international convention of economic, social and cultural rights, international convention of resolving any discrimination, convention of children rights and other international documents have been recognized but lack of this process about international liabilities cannot be denied.

Today, by relative balance of duties of states, we should think to recognition of liabilities of citizens (though they are moral liabilities) in all of the world and people should be liable to each other and this idea should be propagated that despite all racial, cultural, political, religious and etc. differences of people they can participate in determination of their destiny.

Practical effects of this procedure cannot be neglected due to: firs, it creates sense of belonging to global society and having global identity, having enough motivation for defending the rights of fellow-creatures in the entire world that these rights essentially do not limit to basic rights of human being. Second, intervening in destiny and affairs of others only limits to doing liabilities (that due to instability of this concept at least in primary stages its moral aspect is more considered). For example, accepting identity for citizens of other country, that in an extended view, are considered as global citizens and in decision making of democratic society, the right of intervening in international affairs of others (with pre-permission of united nations) is limited to cases that global citizens need it. Therefore, each kind of illegal intervention is forbidden based on respect to institutionalized culture of global citizenship.

Though until reaching to perfection of this idea and to see its practical effects there is long way front us, but cannot be denied that the idea of global citizen will not be realized except by defining standard criteria for "justice in global level".

In fact, for reaching to global justice three liabilities as basic liabilities are mentioned that include:

First, liability to respect (others) that forms base of human rights between all nations;

Second, individuals and societies avoid of behaviors that are harmful for them; and,

Third, it should be guaranteed that all political societies have opportunity for determining their destiny and implementing their proposed justice between their members. This last point should be known as putting in practice of believing the tolerance of other's ideas and respect to them that should be mentioned as a tool for reaching to global justice (Miller 2000, pages 175-179).

Hence, Miller denies global idea and advices paying attention to global justice. He has been reproached that provides a base for overwhelming of capitalist idea and in his view there is no guarantee for influence of more true and more justice ideas of weak societies (While 200, page 266). Also interpretation of the concept of justice cannot be delegated to will of states and to think that they have numerous meanings in equal conditions. Therefore, a precise and common base should be presented for justice in a global concept for preventing mal usage of this title by owners of power that until now, this base has not been presented.

Of course, these common conclusions can be concluded from principals of international documents. Principals the same as equality, freedom, protection, acquaintance, etc. also principals that applying them for global citizens (international and external citizens) has been accepted. Thus, now should be seeking for other common aspects and more important than them, we should seek for applying the justice. If citizens are equal in fundamental rights and in this case no discrimination is applied between them, we can conclude that it is resulted from command of logic. Idea of global citizenship emphasizes that rights and liabilities of global citizens can be recognized. Though this idea has been expressed by thinkers, separately, but should be named for David Miller.

By comparing global citizenship with theory of global motherland as a form of citizenship that realizes by participation in transnational institution, Miller expressed stages of his doubt about the concept of global motherland.

In accordance with his opinion citizenship rooted in internal structure and it is clear that only national identity and feeling of belonging to motherland can stimulate feeling of responsibility in individuals. Therefore, in first step it is possible that claim of global citizenship, face with criticizing. Because so as that Roso believed: "each patriot is hate of foreign people, they only show their manhood by this hate and therefore we cannot call them to account." For answering to mentioned idea should be said

that we do not live in eara of Roso and today anyone denies balancing of cultures and views in international area. The fact is that bitter experience of two world wars is ever accompanist with far-sighted people. Based on this subject and considering to rules that have been accepted by all people in international level for controlling of states and expressing the rights of people, we should believe that today there are a lot of ideas among societies that their trend toward convergence and reaching to unity are obvious in their structure.

As start point, global citizenship in founded by respecting to rights of people who live inside countries. Therefore, active participation in political affairs of society should not be considered as partial activities of available share in political affair (or political rights), but also it should be considered as start of participation in social life and collective decision making. When people feel belonging to their society and consider to their identity, it can be said that they understand identity of others and respect to it. Having political rights and correct applying of these rights in internal level, provides a base that people: First, believe rights of citizens who live in other country and if governors of countries do not donate these rights to citizens, they protest against governors.

Second, by donating mentioned rights to citizens by governor and after reaching of people to their economic, social and cultural rights, people also feel belonging to international society and try for applying their rights and doing their duties in this area.

However, Miller does not present a precise analysis about this subject. In accordance with his opinion, a responsible citizen is considered as "criteria of value". Therefore if citizens make sure that also others are responsible, this thought will be institutionalized. In this analysis, he does not go beyond limits of borders and he always is worthy that people in concept of motivation and responsibility, cause the conflict of republication citizens against liberals and in using of their rights they exaggerate (Kant).

## 5. CONCLUSION

If people of a society go toward goodness and friendship and choose morals as title of all their life, need of law will be decreased, but in fact over the time morals becomes colorless, society becomes violent and presence of law becomes more strong. Undoubtedly, for managing current society moral principals will not be enough. Therefore, some rules are needed that their implementing should be mandatory and governing force should be determined for implementing of them. Also the goal of citizenship rights and citizenship is reaching to two purposes of social order and justice. Sometimes, acquiring both of them is not is not possible and one of them becomes sacrificed for another. Thus, considering to obtained rights of people have increased importance, because constitution does not create our rights, but recognizes and approves what we have obtained before and provides tools of protecting them. By two meaning we have had some rights from ago, one of them is rights that our ancestors have guaranteed and the other is that it is hidden in the nature of human being.

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