

■ THE ISSUES PAPER
ON CITIZENSHIP

Katharine Betts

What does 'citizenship' mean? In recent years scholars have been paying close attention to this question¹ and the Joint Standing Committee on Migration now joins them. What does Australian citizenship mean? How can we make it mean more? And how can we persuade a person who is not a citizen but who is eligible to become one to apply? All of these questions are discussed, briefly, in the Committee's *Issues Paper* published in April this year.²

The authors remind us that 'citizenship' denotes membership of a nation and that it denotes something beyond 'nationality'. A citizen belongs to a national community where members have rights as well as obligations. Here they acknowledge Marshall's analysis of the historical development of civil, political and social rights, but they also present citizenship in a further aspect, an aspect that we might call 'good citizenship'. Good citizens do more than belong to a country and vote and pay their taxes. They participate actively in voluntary organisations and this participation allows their opinions to be shaped 'publicly and intelligently'. Participation also ensures that 'the subtle habits of public initiative and responsibility [are] learned and passed on'. (Here they are citing the work of Bellah from the 1990 report of the British Commission on Citizenship.)

How can these various meanings be enhanced? People who are not fully

aware of the benefits (and the obligations) of Australian citizenship should be told about them; impediments to full and equal participation in the community as citizens should be examined; and the value of citizenship to different groups should be pointed out, especially its value to non-citizens who are permanent residents. (What are these benefits and values? The paper emphasises a number of areas where citizenship is important: 'immigration, voting rights, government employment and election to office, as well as foreign investment, ownership and influence'.³)

These strategies for enhancement are simply noted; their rationale is yet to be developed. There is a note of pleading behind them: Australian citizenship is a good thing. We're trying to make it even better. Wouldn't you please consider thinking about it? Perhaps in a fuller elaboration this note will fade. But it may be an evitable consequence of the legal emphasis given to permanent residence rather than to citizenship in Australia. The concept of a 'permanent immigrant' is unknown in countries like France and Germany. There, all immigrants are, in principle, temporary; foreigners can only achieve the security of a permanent-resident status if they can take out the local nationality. In such circumstances the question of citizenship has an urgency that it lacks in Australia. For example, Day et al. point to the sharp distinction between citizens and resident non-citizens in many Asian nations, nations which also have no status of permanent resident.⁴

It has sometimes been argued that we could make Australian citizenship mean more by reducing some of the welfare privileges that permanent non-citizens enjoy. Deny migrants

unemployment benefits and pensions and you'd soon find you had more applicants. But this argument fails to win many converts. Do we really want fellow citizens who have been forced or bribed to enlist? Better by far that they should make an unconstrained decision and come willingly and with an open heart to join us. This response to proposals to limit permanent residents' welfare benefits reminds us that citizenship is more than a legal status conveying membership and rights. It involves an affective tie, a sense of belonging, a commitment to fellow citizens and to the land and to the future that the people and the land hold in common.

Rights cannot be simply wished into existence. They are created by the web of mutual obligations between members. And, just as citizenship can only lead to protection of rights when we fulfil our obligations to each other, so it can only lead to community when these mutual obligations mean that we care about each other. A full citizenship, both of rights and of belonging, depends on duties and emotional commitment.

Affective ties cannot be ordered by parliament and the law, but the public culture may help or hinder their development. *The Issues Paper* juxtaposes two statements, one from Ian Macphee, arguing that citizenship 'carries a clear sense of belonging to, and identification with, the nation, its people, its values and its institutions', the other from Stewart West, reinforcing multiculturalism and arguing that the 'diversity of Australian society needs to be understood, accepted and provided for'. Macphee also supports these goals: no new citizen should be required to suppress their former cultural heritage or identity. But is there some tension between the ideals

of caring and belonging, and the goal of promoting cultural difference?

If making citizenship mean more entails something beyond sharpening its material benefits, if it necessarily leads to closer emotional links binding individuals to the common project of their nation's future, does a studied emphasis on difference help or hinder this development of meaning? The backward gaze towards past, diverse origins could obscure the image of the shared future. Indeed Day et al. claim that during the 1970s, just as multiculturalism was developing in Australia, 'Australian public culture lapsed into inarticulacy'.⁵ Perhaps it is difficult to make citizenship mean more in such circumstances. If we do indeed desire that it should, we may need social policies that have a broader reach than the strategies for enhancement suggested in the paper.

Why has this inquiry been set up? The Minister's press release points to two sets of origins.⁶ The Australian Citizenship Act of 1948 pre-dates multiculturalism and should be brought up to date. Further, its application to the problem of dual citizenship has led to anomalies. The press release does not speak of these anomalies; it merely refers to the 'increasing international mobility of Australians' and to 'changes in migration law'. But Rubenstein sets them out quite clearly. While foreigners taking out Australian citizenship were once obliged to forswear former allegiances to foreign governments, if their former nation does not take their old nationality away from them, they could (and can) to all intents and purposes retain it. In contrast, Australian citizens who actively acquire a foreign nationality lose their Australian one.⁷ This means that some immigrants may hold two passports but a person who acquired

Australian citizenship before being attracted by another, cannot. Sources within the Committee's secretariat say that many submissions argue that this situation is unfair; all Australians should have the option of actively seeking a second nationality while retaining their Australian one.

Though the Minister's press release implies that the existing Citizenship Act inhibits the international mobility of Australians, it appears that the Immigration Department has not pressed for increasing the scope of dual nationality. At the bureaucratic level this argument has been put by representatives of the Department of Foreign Affairs and Trade who claim that practical benefits would flow from such an increase. They cite problems that Australian nationals may face with overseas laws on inheritance, and the commercial difficulties that Australians can encounter in foreign dealings. These difficulties could be circumvented if Australians could but adopt the nationality of the country in question without having to sacrifice their Australian citizenship. In contrast, the Immigration Department has argued for the ideal of a single nationality, putting principle before material benefits.

Changes in the form of words used to pledge allegiance to Australia have helped prepare the way for universal dual citizenship. Until recently the oath required new citizens to say:

I,, renouncing all other allegiance, swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Australia, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

(Alternative wording allowed for an affirmation in which the applicant solemnly and sincerely promised, rather than swearing by God.)

The Australian Citizenship Amendment Act of 1986 deleted the need for applicants to state their names and the requirement for them to 'renounce all other allegiance'. The Minister, Chris Hurford, claimed that the renunciation was 'ambiguous and unnecessary'.⁸ This echoed an earlier report by the Human Rights Commission which concluded that increased international mobility, employment in multinational corporations, and some immigrants' reluctance to cut their ties with their country of origin meant that the renunciation phrase should go. The Commission also cited Article 5, paragraph (d) (iii) of the Racial Discrimination Convention, which provides that everyone has 'a right to a nationality', as a reason for abolition; presumably this 'right to a nationality' must mean a right not to have to surrender existing allegiances when affirming new ones. In any event, the Commission reported that the 'trend has been to move away from allegiance dependent only on nationality'.⁹

Changes to the Act in 1993 also deleted reference to the Queen. The current pledge requires new citizens to say:

From this time forward, under God,
I pledge my loyalty to Australia
and its people,
whose democratic beliefs I share,
whose rights and liberties I respect,
and whose laws I will uphold and obey.

(The pledge also has a form of words allowing for an affirmation.)

Parliamentary debate on the 1993 amendment focussed on the reference to the Queen; supporters claimed that it was anachronistic to ask new citizens to swear allegiance to a foreign

monarch and critics argued that the monarch was in fact Queen of Australia, and the new pledge was an attempt to introduce a republic by stealth. Most speakers seemed to have forgotten the earlier changes to the words of renunciation.¹⁰

Australian citizenship is not hard to get. Immigrants can apply two years after their arrival and they need only to have lived in the country for the equivalent of one year during this two-year period. In certain circumstances the Minister may waive these 'strict requirements' about residence.¹¹ We could make the legal status more convenient by further broadening the scope for dual nationality. We could also continue to minimise the psychological costs for some applicants by emphasising how little their cultural and personal affiliations need alter when they adopt this legal status. But will these measures draw new citizens who want to identify with our common future, or will they invite people looking for a flag of convenience?

The authors of the *Issues Paper* have done us a service by raising some unfashionable topics, even if they have not quite formed these topics into a central question. Had they followed the logic of their themes through, the question might have looked this: Can citizenship mean more while it stands for less?

References

¹ See for example A. Day, D. Goodman, B. Hindess, S. McIntyre, D. Marr and A. Milner (Ed.), *Perceiving 'Citizenship': Australian-Asian Perceptions Project (Working Paper Number 1)*, Academy of the Social Sciences in Australia and The Asia-Australia Institute, The University of New South Wales, Sydney, 1993, and B. S. Turner (Ed), *Citizenship and Social Theory*, Sage, London, 1993.

² See *Inquiry into Enhancing the Meaning of Australian Citizenship: Issues Paper*,

- The Parliament of the Commonwealth of Australia, Canberra, 1994.
- ³ *ibid.*, section 3.8
- ⁴ Day et al., *op. cit.*, p. 10
- ⁵ *ibid.*, pp. 10, 16, 31
- ⁶ Media Release, B42/93, 26 November 1993
- ⁷ K. Rubenstein, 'Constitutional issues associated with integration: the question of citizenship', *BIPR Bulletin*, no. 11, 1994, pp. 41-43. See also, Ruddock, *Commonwealth Parliamentary Debates: House of Representatives (CPD:HR)*, 16 November 1993, pp. 2906-7
- ⁸ *CPD:HR*, 19 February 1986, p. 869
- ⁹ Human Rights Commission, *The Australian Citizenship Act 1948*, Australian Government Publishing Service, Canberra, 1982, pp 7-8
- ¹⁰ For exceptions see: *CPD:HR*, 16 November 1993, Truss, p. 2926; 17 November 1993, Charles, p. 2996; Lieberman, p. 2998; Reid, p. 3038.
- ¹¹ *Issues Paper*, *op.cit.*, section 4.15

■ **BOOK REVIEW:** Mark Wooden, Robert Holton, Graeme Hugo & Judith Sloan *Australian Immigration. A Survey of Issues*, (second edition) (BIPR) AGPS, Canberra, 1994
Christabel Young

This is the second edition of the publication which first appeared in 1990, and so includes new material and a reassessment, by the same four authors, of the demographic, spatial, economic, social, labour-market, intake and settlement issues relating to immigration.

Apart from some omissions, the study is an excellent way of catching up on a wide range of studies relating to immigration, and is absorbing reading. The description of the studies covered is thorough, with an emphasis on highlighting the major findings and pointing out deficiencies where necessary. The authors show an awareness of important gaps in research into immigration, notably the fact that so little is known about the multiplier effect of family reunion, or about the characteristics of illegal immigrants.

However, there are some contradictions, questionable logic and outdated views in the book, and I feel I must draw attention to at least some of these. They arise both from the studies themselves and from the authors' assessment of the issues.

While there is usually careful cross-referencing between the chapters to ensure integration and to avoid repetition, a few contradictions emerge. For example, the various statements in Chapter 3 claiming that immigrants on arrival have higher skills than the host Australian-born population are not linked up with the subsequent statements in Chapter 5 that, in a relatively high proportion of cases, those skills are deficient with respect to both academic standards and relevance to Australian conditions.

Also, as often seems to be found in studies of immigration, there is a sharp contrast between the numerous studies which search for evidence of the benefits of immigration to the economy (as in Chapter 3), and the 'problem-focused literature' regarding the myriad of social, welfare, settlement and labour-market problems which immigrants experience (Chapters 4 and 5). Amidst this, however, it was refreshing to read on pages 198 and 199 about some positive social experience of immigrants. I also enjoyed Holton's very thoughtful analysis of ethnicity and community on pages 200-203, one of the highlights of the book.

I was most concerned at the use of the misleading term 'younging' (pages 54, 60, 64 and 139) to describe the future effect of immigration on the age structure of the population — a term which is dangerously close to the old myth about immigration making the population younger.

With the benefit of 'research commissioned and/or sponsored by the