

ANALYSE ET COMMENTAIRE DE TEXTES OU DOCUMENTS EN ANGLAIS

Durée : 6 heures

Analysez et commentez, **en anglais**, les cinq documents suivants :

Document 1

In our everyday language, we use the words 'citizen' and 'national' almost interchangeably in order to describe the status of formal membership of a country, saying, for example, that a person is 'a citizen of France'. For some countries, such as Japan, the term 'national' is preferred. Coming from a country which is a monarchy, jurists and politicians in Britain historically preferred the term 'subject' to 'citizen', claiming that 'the law and language of England knows subjects only'. Indiscriminate usage of these three terms is typically found in the treaty between the governments of the United Kingdom and the United States in 1870. The treaty was signed in order to 'regulate the citizenship of the British subjects who have emigrated...to the United States of America'. It also provided the way in which those subjects who had become naturalized within the United States' shall be at liberty... to resume their British nationality'. However, since each of the terms originates from a different historical period, their meanings differ from each other, depending on the time and place of their use.

The concept of subjecthood derives from the feudal tradition of vertical links between each individual (subject) and the common ruler of the political unit. Subjects were supposed to owe allegiance to the power or jurisdiction of the political unit in return for the protection which they received. Unlike in some countries, such as the United States, the tradition of subjecthood persisted in Britain well into the twentieth century. In the case of the United States, because of its colonial past, the original concept of formal membership was predominantly influenced by the practice in Britain. However, in the late eighteenth century, the traditional concept of allegiance and subjecthood was dealt a severe blow by the American Revolution and American independence from British rule. As the number of immigrants of non-British origin had increased in the mid-eighteenth century, the basic rule of subjecthood - natural allegiance ('birth within the king's ligeance') - came to be questioned in the 13 American colonies. The colonial government encouraged naturalization, which was outside the rule of natural allegiance, so that it could accept newcomers as formal members. Under the system of naturalization, naturalized subjects became formal members purely on the basis of their own will and their consent to the rule of the government. Comparing the mode of ascription by naturalization with that by birth, therefore, those colonists who were not satisfied with the control exercised by the imperial government in London started to question the concept of natural allegiance. They claimed that they had been denied the right to choose loyalty because of the principle of natural allegiance. For them, the status of British subject, and consequently perpetual loyalty towards British rule, was imposed on them at their birth. They were not even allowed to renounce their subjecthood. The American concept of citizenship was inevitably redefined after independence by the idea of 'volitional allegiance', and was based on an act of individual choice.

British nationality and immigration laws, in the absence of such an interruption as the American Revolution, continued to develop on the basis of allegiance and the common law doctrine of allegiance to the crown. Even in Britain, however, the term 'subject' became obsolete and finally disappeared in 1981. Now, under the British Nationality Act (BNA) 1981, British citizenship has become the status of people who are 'closely connected with

the United Kingdom' and "belong" to the United Kingdom for international or other purposes'. Although both
35 'citizenship' and 'nationality', as is seen in the BNA 1981, denote formal membership of a political unit,
'citizenship' is said to stress the municipal side of formal membership, and 'nationality', the inter-national. There
are cases, as a result, where each term legally indicates a different group of people and is assigned a specific
purpose. In the United States, for example, the inhabitants of overseas territories such as the Marianas and
American Samoa are 'US nationals', but not 'US citizens'.

40 *Three elements of citizenship*

Modern legal usage aside, 'citizenship' is an evolving concept, whose meaning in academic literature changes
from time to time and place to place, and in accordance with the focus of each piece of research. As a result, the
debates on citizenship tend to begin with a historical survey of the concept. On the basis of existing research, (...)
there are three elements of citizenship - nominal, substantive and functional - which can be found throughout
45 history. (...) First, citizenship denotes formal membership of a political unit. The size or the organization of the
political unit, that is, whether it is a city-state, an empire, or an international entity such as the EU, varies. The
criteria for qualifying for the status of citizenship also differ from one period to another, such as from being a
freeborn male to being willing to become a full member of the political unit. We assume today that citizenship
means full membership of a political unit. Yet, in the past citizenship could confer a half-membership, such as
50 *civitas sine suffragio* in the Roman Republic, which did not include the franchise. Nonetheless, the nominal aspect
of citizenship - 'citizenship-as-status' - has always been a part of the concept.

Second, formal membership brings with it either a set of rights ('citizenship-as-rights') or duties and obligations
(*'citizenship-as-desirable-activity'*), or both. These constitute the substantive element of citizenship. (...) T. H.
Marshall, taking the British historical experience as an example, classifies citizenship rights into three
55 components - civil, political and social - and argues that each of them was extended to citizens one by one after
the eighteenth century. The content of citizenship duties, in contrast, has remained almost the same throughout
history. They have mainly consisted of military service and the payment of taxes, as well as the giving of loyalty
and support to a political unit. Among the works on '*'citizenship-as-desirable-activity'*' today, however, there are
different branches of the argument with respect to what is desirable: whether the emphasis should be placed on
60 economic self-reliance, political participation or civic virtue. (...) It was also only in the twentieth century that
the principle was finally established that all the holders of citizenship should be given an equal set of rights,
regardless of gender, wealth, colour or creed. Nonetheless, we cannot dismiss the fact that citizenship as status
confers certain rights upon, and assigns certain obligations to, its holders.

The third element - the functional - refers to the feature of '*'citizenship-as-social-enclosure'*', which has the
65 functions of both inclusion and exclusion. First, as regards the function of inclusion, the qualifications for
citizenship as status have historically widened, with slaves, the poor and women now being included as formal
members of the political unit. In the face of increasing numbers of immigrants today, some countries, such as
Canada and Australia, expect them to apply for formal membership after their entry. They try to incorporate non-
citizens into the political unit and demand support and loyalty in return for granting them formal membership and
70 its consequent rights and privileges.

(...) Citizenship has historically been used as an instrument to divide populations between citizens and non-
citizens. As a consequence, intended or not, citizens are expected to share a sense of community with each other.
This socio-psychological dimension of citizenship is especially important in the case of national citizenship, and
differentiates national citizenship from other types of citizenship.

Rieko Karatani, *Defining British Citizenship (Empire, Commonwealth and Modern Britain)*, London, Frank Cass,
2003, pp. 16-19.

Document 2

Judge Hunt -, “Has the prisoner anything to say why sentence shall not be pronounced?”

Miss Anthony– Yes, your honor, I have many things to say; for in your ordered verdict of guilty, you have trampled under foot every vital principle of our government. My natural rights, my civil rights, my political rights, my judicial rights, are all alike ignored. Robbed of the fundamental privilege of citizenship, I am degraded from the status of a citizen to that of a subject; and not only myself individually, but all of my sex, are, by your honor’s verdict, doomed to political subjection under this, so-called, form of government.

Judge Hunt– The Court cannot listen to a rehearsal of arguments the prisoner’s counsel has already consumed three hours in presenting.

Miss Anthony– May it please your honor, I am not arguing the question, but simply stating the reasons why sentence cannot, in justice, be pronounced against me. Your denial of my citizen’s right to vote, is the denial of my right of consent as one of the governed, the denial of my right of representation as one of the taxed, the denial of my right to a trial by a jury of my peers as an offender against law, therefore, the denial of my sacred rights to life, liberty, property and –

Judge Hunt– The Court cannot allow the prisoner to go on.

Miss Anthony– But your honor will not deny me this one and only poor privilege of protest against this high-handed outrage upon my citizen’s rights. May it please the Court to remember that since the day of my arrest last November, this is the first time that either myself or any person of my disfranchised class has been allowed a word of defense before judge or jury –

Judge Hunt– The prisoner must sit down - the Court cannot allow it.

Miss Anthony– All of my prosecutors, from the 8th ward corner grocery politician, who entered the compliant, to the United States Marshal, Commissioner, District Attorney, District Judge, your honor on the bench, not one is my peer, but each and all are my political sovereigns; and had your honor submitted my case to the jury, as was clearly your duty, even then I should have had just cause of protest, for not one of those men was my peer; but, native or foreign born, white or black, rich or poor, educated or ignorant, awake or asleep, sober or drunk, each and every man of them was my political superior; hence, in no sense, my peer. Even, under such circumstances, a commoner of England, tried before a jury of Lords, would have far less cause to complain than should I, a woman, tried before a jury of men. (...)

Judge Hunt– The Court must insist the prisoner has been tried according to the established forms of law.

Miss Anthony– Yes, your honor, but by forms of law all made by men, interpreted by men, administered by men, in favor of men, and against women; and hence, your honor’s ordered verdict of guilty; against a United States citizen for the exercise of “that citizen’s right to vote,” simply because that citizen was a woman and not a man. But, yesterday, the same man made forms of law, declared it a crime punishable with \$1,000 fine and six months imprisonment, for you, or me, or you of us, to give a cup of cold water, a crust of bread, or a night’s shelter to a panting fugitive as he was tracking his way to Canada. And every man or woman in whose veins coursed a drop of human sympathy violated that wicked law, reckless of consequences, and was justified in so doing. As then, the slaves who got their freedom must take it over, or under, or through the unjust forms of law, precisely so, now, must women, to get their right to a voice in this government, take it; and I have taken mine, and mean to take it at every possible opportunity.

Document 3

Fellow Countrymen, - Having frequently stated our reasons for zealously espousing the great principles of Reform, we have now endeavoured to set them forth practically. We need not reiterate the facts and unrefuted arguments which have so often been stated and urged in their support. Suffice it to say, that we hold it to be an axiom in politics, that self-government by representation is the only just foundation of political power – the only true basis of Constitutional Rights – the only legitimate parent of good laws: and we hold it as indubitable truth, that all government which is based on any other foundation, has a perpetual tendency to degenerate into anarchy or despotism, or to beget class and wealth idolatry on the one hand, poverty and misery on the other.

While, however, we contend for the principle of self-government, we admit that laws will only be just in proportion as the people are enlightened, on which, socially and politically, the happiness of all must depend; but as self-interest, unaccompanied by virtue, seeks its own exclusive benefits, so will the exclusive and privileged classes of society ever seek to perpetuate their power, and to proscribe the enlightenment of the people. Hence we are induced to believe that the enlightenment of all will sooner emanate from the exercise of political power by all the people, than by their continuing to trust the selfish government of the few.

A strong conviction of these truths, coupled, as that conviction is, with the belief that most of our political and social evils can be traced to *corrupt* and *exclusive legislation* – and that the remedy will be found in extending to the people at large, the exercise of those rights, now monopolized by a few, has induced us to make some exertions towards embodying our principles in the following Charter (...).

The People's Charter

Whereas to insure, in as far as it is possible by human forethought and wisdom, the just government of the people, it is necessary to subject those who have the power of making the laws, to a wholesome and strict responsibility to those whose duty it is to obey them when made:

And, whereas, this responsibility is best enforced through the instrumentality of a body which emanates directly from, and is itself immediately subject to, the whole people, and which completely represents their feelings and their interests:

And, whereas, as the Commons' House of Parliament now exercises in the name and on the supposed behalf of the people, the power of making laws, it ought, in order to fulfil with wisdom and with honesty the great duties imposed on it, to be made the faithful and accurate representation of the people's wishes, feelings, and interests.

Be it therefore enacted,

That from and after the passing of this Act, every male inhabitant of these realms be entitled to vote for the election of a Member of Parliament (...).

Be it enacted that, for the purpose of obtaining an equal representation of the people in the Commons' House of Parliament, the United Kingdom be divided into 300 electoral districts.

That each district contain, as nearly as may be, an equal number of inhabitants (...).

¹ Susan B. Anthony was arrested in Rochester for voting in the 1872 elections at a time when women did not have the vote in the state of New York. She was tried in a U.S. federal court in 1873.

35 Be it enacted that, a general election of Members of Parliament for all the electoral districts of the United Kingdom, take place on the first Monday in June in each year (...).

Be it enacted, that every Member of the House of Commons be entitled at the close of the session to a writ of expenses on the Treasury, for his legislative duties in the public service (...).

The Working Men's Association to the Radical Reformers of Great Britain and Ireland, *The People's Charter*, 1838.

<https://www.bl.uk/collection-items/the-peoples-charter>

Document 4

The history of our nation is the history of a long and tireless effort to broaden and to increase the franchise of American citizens. At the very birth of our nation, a great struggle had to be made to secure the ballot for people who did not own property. (...) When, after many long years, this fight was successfully won, a great effort was made by women seeking to obtain the franchise. Again after weary decades of agitation, the glorious fight
5 for women's suffrage succeeded and the 19th Amendment to the Constitution opened a new chapter in the lives of women and in the life of our nation.

Thus, we see that from 1789 to 1920 disenfranchised Americans fought and won their basic right to vote. However, for the Negroes of the South, there was still no ballot. Whether they owned property or were penniless, whether male or female, these American victories in the extension of Democracy did not affect them.

10 But this history does provide a profound lesson for the voteless Negroes. It teaches us how a struggle is won. We see that the poor men of 1776 did not accept disenfranchisement without protest. (...)

Later when women decided the time had come for them to vote, they were far from submissive or silent. They cried out in the halls of government. They agitated in their homes. They protested in the streets. And they were jailed. But they pressed on. (...)

15 From these women we have learned a great lesson of how social change takes place through struggle. In this same tradition of determination, of confidence in the justice of a cause, Negroes must now demand the right to vote. And these qualities of courage, perseverance, unity, sacrifice, plus a nonviolence of spirit are the weapons we must depend upon if we are to vote with freedom.

20 And vote we must. For the inability of Negroes to vote is not only unjust, it is a very real embarrassment to our nation which we love and must protect. For a number of years I have been reading with great interest of the tireless and indefatigable effort of our Secretary of State, Mr. Dulles, to obtain free election in Germany. Free elections in Europe are the sine qua non, a most important part, of our foreign policy. And I sincerely hope that people the world over shall live under governments where elections can be free.

25 However, I feel, and I know you feel, that the American government must begin the struggle for democracy at home. Therefore, on behalf of the millions of disenfranchised American citizens, I earnestly invite and call upon the United States Government to use the constitutional power it has to convince the governors and legislators of Georgia, South Carolina, Alabama, Mississippi, Louisiana and other Southern states to adhere to the United States constitution. They should convince these governors and legislators to hold free elections.

30 The advocacy of free elections in Europe by American officials is hypocrisy when free elections are not held in great sections of America. To Negro Americans it is ironic to be governed, to be taxed, to be given orders, but to have no representation in a nation that would defend the right to vote abroad. We have a duty to deliver our nation from this snare and this delusion.

Let us make our intentions crystal clear. We must and we will be free. We want freedom now. We want the right to vote now. We do not want freedom fed to us in teaspoons over another 150 years. Under God we were born free. Misguided men robbed us of our freedom. We want it back, we would keep it forever. This is not idle chatter, for we know that sacrifice is involved, that brutality will be faced, that savage conduct will need to be endured, that slick trickery will need to be overcome, but we are resolutely prepared for all of this. We are prepared to meet whatever comes with love, with firmness and with unyielding nonviolence. We are prepared to press on unceasingly and persistently, to obtain our birthright and to hand it down to our children and to their children's children.

Martin Luther King Jr., Address Delivered at a Meeting Launching the SCLC Crusade for Citizenship at Greater Bethel AME Church, 12 February 1958.

Document 5

A few years ago less than half - 46% - identified closely with being British. But today national identity has become far more important: it is not 46% but 65% - two thirds - who now identify Britishness as important, and recent surveys show that British people feel more patriotic about their country than almost [any] other European country.

One reason is that Britain has a unique history - and what has emerged from the long tidal flows of British history - from the 2,000 years of successive waves of invasion, immigration, assimilation and trading partnerships, from the uniquely rich, open and outward looking culture - is I believe a distinctive set of British values which influence British institutions.

Indeed a multinational state, with England, Scotland, Wales and now Northern Ireland we are a country united not so much by race or ethnicity but by shared values that have shaped shared institutions. Indeed, when people are asked what they think is important about being British many say our institutions: from the monarchy and the national anthem to the Church of England, the BBC and our sports teams.

But when people are also asked what they admire about Britain, more usually says it is our values: British tolerance, the British belief in liberty and the British sense of fair play. Even before America said in its constitution it was the land of liberty and erected the Statue of Liberty, I think Britain can lay claim to the idea of liberty.

Out of the necessity of finding a way to live together in a multinational state came the practice of tolerance, then the pursuit of liberty and the principle of fairness to all. (...)

And there is a golden thread which runs through British history - that runs from that long-ago day in Runnymede in 1215 when arbitrary power was fully challenged with the Magna Carta, on to the first bill of rights in 1689 where Britain became the first country where parliament asserted power over the king, to the democratic reform acts - throughout the individual standing firm against tyranny and then - an even more generous, expansive view of liberty - the idea of all government accountable to the people, evolving into the exciting idea of empowering citizens to control their own lives.

Just as it was in the name of liberty that in the 1800s Britain led the world in abolishing the slave trade - something we celebrate in 2007 - so too, in the 1940s, in the name of liberty, Britain stood firm against fascism, which is why I would oppose those who say we should do less to teach that period of our history in our schools. (...)

A strong sense of being British helps unite and unify us; it builds stronger social cohesion among communities. We know that other countries have a strong sense of national purpose, even a sense of their own destiny.

30 And so should we. And it helps us deal with issues as varied as what Britain does in Europe; to issues of managed migration and how we better integrate ethnic minorities. Today we have a citizenship test for newcomers wanting to be citizens - 24 questions on life in the UK that lasts for 45 minutes.

35 We also have citizenship ceremonies. We will soon have a stronger element teaching us about citizenship in the curriculum. But I believe when there is now so much mobility between nations and countries, when we feel strongly that being a British citizen is something to be proud of, then we should emphasise that British citizenship is about more than a test, more than a ceremony - it is a kind of contract between the citizen and the country, involving rights and responsibilities that will protect and enhance the British way of life.

Gordon Brown, Speech at a seminar on Britishness, London, 27 February 2007.