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Article

Ground up Citizenship: Rooted Children

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Abstract: Ground up citizenship: Rooted Children. This paper explores how rights and protections, even citizenship, could be constructed around the vulnerable child, rather than being derived solely from state or nation. It provides examples of emerging 'alternative communities' doing just this and asks what role the church could have in reimagining and modelling communities that transcend borders, proclaim the gospel, and redefine family and mission.

Keywords: human rights; citizenship; community identity; inclusivity; family; mission

Introduction

The nation, the citizen – and therefore the citizen-child – are often forms we take for granted and consider unchangeable. Yet, the stability of the nation and the state, and the protections they are able or willing to provide, are no longer a given in the post-modern world. Indeed, the forms of nation, state and citizen are often bent and remolded, often for financial expediency, and new peoples and nations are birthed. Meanwhile, for the vulnerable (often immigrant) child, citizenship is at once precious and useless:¹ laws can condemn entire peoples to exclusion. Barriers open for the privileged and powerful yet bar the marginalized and oppressed. This begs the question: If we can reshape sovereignty and citizenship, or allow them to evolve, why could not civil actors such as the church 'bend the rules' to construct better protections for the children who find themselves on the margins of our societies or in the cracks in between them?

The State of the State

I start with a brief history of the state and an analysis of the condition in which we currently find it. Most commentators trace the origins of the modern nation-state system back to European origins. In the treaties signed under the Peace of Westphalia in 1648, the territorial integrity of states was bound to the authority of the political figures within each territory rather than to some higher political or religious authority, such as the Pope². It was only as the nation-state matured that it was able to pretend to strict control over who might reside within its borders. As the Westphalian system was stabilized, it gained in authority and stature.

The nation-state was, however, a construct, built on rather weak foundations. Benedict Anderson convincingly shows how the European states and their rulers were not naturally or organically linked, but rather constructed³. Indeed, many aristocrats and nobles at the time of state

¹ This has been true throughout human history. See, for instance, Wright, Christopher and Măcelaru, Marcel, "The Refugee Crisis – A Shared Human Condition: An Old Testament Perspective", *Transformation* 53.2 (2018), pp. 91-101.

² Dower, Nigel and Williams, John, *Global Citizenship: A Critical Introduction*, New York, Routledge, 2002.

³ Marcel Măcelaru takes Anderson's notion further, as he argues that the idea of nation-state has its origin in the ethno-religious political entities of the ancient world. See, Măcelaru, Marcel, *Discursul etno-național în Biblia Ebraică: Repere metodologice în analiza narațiunilor istoriografice veterotestamentare*, Religie și

formation were 'foreign-born' and did not speak the languages of those they ruled⁴. There is certainly nothing organic, pure or natural either in the European or colonial states that grew out of Westphalia or the subsequent imperialism and colonialism. The idea of 'native-born' is also an unconvincing construct. Anderson quotes a poem by Daniel Dafoe that makes his point on the native citizen expeditiously:

Thus from a mixture of all kinds began,
That het'rogeneous thing, an Englishman:
In eager rapes, and furious lust begot,
Betwixt a painted Britain and a Scot.
Whose gend'ring off-spring quickly learn'd to bow,
And yoke their heifers to the Roman plough:
From whence a mongrel half-bred race there came,
With neither name, nor nation, speech nor fame.
In whose hot veins new mixtures quickly ran,
Infus'd betwixt a Saxon and a Dane.

If the hereditary line of the English people is at all analogous to that of others, then the claims of nations to represent established people groups is questionable.

Today, the classical nation-state model is under stress. Transnationalism and globalization mean that politics, economies and culture all now transcend physical boundaries. We need not look far for examples of deep complexities that make the state-citizen symbiosis increasingly problematic. The example of Europe, which is both one and many, is a case in point, as new supra-national identities are constructed, Etienne Balibar suggests:

[T]he border, essential as it is for state institutions, is nevertheless profoundly inadequate for an account of the *complexity of real situations*...In all its points Europe is multiple; it is always home to tensions between numerous religious, cultural, linguistic, and political affiliations, numerous readings of history, numerous modes of relations with the rest of the world, whether it is Americanism or Orientalism, the possessive individualism of "Nordic" legal systems or the "tribalism" of Mediterranean familial traditions⁵.

If the EU is one body and its residents can be EU citizens of such a complex and variegated universe of peoples, what then is a citizen? In Switzerland, in the heart of Europe, meanwhile, what some might term an anachronistic system of intra-national citizenship levels persists. The Swiss person is simultaneously citizen of city, canton and country. Swiss cantons have the power to naturalize members subject only to minimum standards set by the Swiss Confederation⁶. While Swiss

Filosofie, București, Editura Universitară, 2012; Măcelaru, Marcel, *Identitatea între povară și privilegiu. Reprezentări ale poporului sfânt în literatura deuteronomistă*, Colecția Lumina, Cluj-Napoca, Risoprint, 2012. On a related argument regarding the connection between identity and religion, see also Măcelaru, Marcel, "Phoenix Rising: Josiah's 'Book of the Law' and the Rebirth of Israel", in C. Constantineanu and M. Măcelaru (eds), *Bible, Culture, Society: Postgraduate Explorations*, Osijek, Evangeoski teološki fakultet, 2009, pp. 65-84; Măcelaru, Marcel, "The Role of the Bible in Shaping Cultural Identities", in J. Juhant and B. Žalec (eds), *Humanity after Selfish Prometheus: Chances of Dialogue and Ethics in a Technicized World*, Theologie Ost-West: Europäische Perspektiven 15, Berlin, LIT Verlag, 2011, pp. 167-173.

⁴ Anderson, Benedict, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, Verso, 1983.

⁵ Balibar, Etienne, *We, the People of Europe? Reflections on Transnational Citizenship*, Princeton and Oxford, Princeton University Press, 2004.

⁶ Federal Constitution of the Swiss Confederation, Articles 37 and 38. Retrieved October 9, 2024, from <https://www.fedlex.admin.ch/eli/cc/1999/404/en>

law and practice has often been restrictive in regard to the naturalization of immigrants, its example of multilayered citizenship is thought-provoking.

Similarly, Spain's struggle over national identity is illustrative of the blurred lines between nation, state and people. Spain's constitution describes the country as a nation of nationalities, rather than a nation of nations⁷, careful wording designed to chart a middle course between a single nation or a collection of nations⁸. While the nuance may be lost on many, it was a compromise that held for many Spaniards for many years, even if it was rejected by many in Euskadi and Catalunya.

In the case of Catalunya, where the Parliament approved the definition of Catalunya as a 'nation' in 2005, we see the erosion of one nation and the construction of another competing nation within its political structures. It begs the question: if the Catalan people can reappear constitutionally, formed at the intersection of Moorish, Frank, Aragonese and Castilian peoples, might it be accurate to talk, for example, of a new people forming along the United States' southern border?

Alternative Constructions

We have seen that, far from being immutable, nation, state and citizenship are fluid and evolving concepts. The historical development of the state and citizen, identities and protections, is varied, unstable over time, full of internal variations and contradictions. Indeed, as this next section explores, their forms can be bent and molded at will, for a variety of reasons.

Non-state actors, too, are at work in the evolution of citizenship. In the US, for example, the corporation has been granted citizenship and accorded many of the rights inherent in the constitution's Bill of Rights.⁹ Supreme Court decisions have accorded it the right of free speech. Yet, the corporation need not produce its papers on demand, it need not ford rivers nor cross deserts to receive its rights. When this 'economic citizen' is ready to migrate to new realms and do business overseas, the US Government puts many resources at its disposal¹⁰. Its goods are swaddled in protections, its benefactors secure its visas and necessary travel documents, and its earnings require no exit visa.

In Europe, in the Americas and around the world, the state even trades away bits of its sovereignty in order to achieve freedoms and protections for its corporations. Within the EU, or trade agreements such as the 2020 United States-Mexico-Canada Agreement (USMCA) North American Free Trade Agreement¹¹, nation-states surrender their rights and privileges in order to secure the rights and privileges of some of the most powerful institutions the world has ever witnessed. Yet, for the individuals who comprise the state and purportedly called it into existence, and who even theoretically govern it, protections can be hard to come by. The state will submit to the World Trade Organization, but what of the UNHCR or UNICEF?

⁷ *Constitución española*. Retrieved October 9, 2024, from

<https://app.congreso.es/consti/constitucion/indice/titulos/articulos.jsp?ini=1&fin=9&tipo=2>

⁸ "Montilla asegura que España es una 'nación de naciones' y la reforma constitucional debe recoger la 'singularidad'", Europa Press, August 8, 2004.

⁹ Ioan-Gheorghe Rotaru, "The Transylvanian Diet: A Precedent to Human Rights and Religious Freedom - 400 Years Prior to the Universal Declaration of Human Rights", in *Shaping a World of Freedoms: 75 Years of Legacy and Impact of the Universal Declaration of Human Rights*, Nelu Burcea and Liberato C. Bautista (eds.), New York, United Nations Plaza, UNEQUAL World Research Center, 2023, pp. 205-221; See also: Ioan-Gheorghe Rotaru, "A look at how the concept of human rights has evolved over time", in *Journal For Freedom of Conscience (Jurnalul Libertății de Conștiință)*, vol 11, nr.2 (2023), pp.825-874.

¹⁰ International Trade Administration. Retrieved October 9, 2024, from <https://www.trade.gov/about-us>

¹¹ See United States-Mexico-Canada Trade Fact Sheet Modernizing NAFTA into a 21st Century Trade Agreement. Retrieved October 12, 2024, from <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/fact-sheets/modernizing>

Meanwhile, migration too is blurring borders, creating new communities¹². Border areas particularly are places where peoples, identities, memberships and loyalties mix. Could it be argued that new peoples are being built in these border zones? According to Balibar, border areas are key to the formation of new peoples, states and citizens:

It is also one of my hypotheses that the zones called peripheral, where secular and religious cultures confront one another, where differences in economic prosperity become more pronounced and strained, constitute the melting pot for the formation of a people (*dēmos*), without which there is no citizenship (*politeia*) in the sense that this term has acquired since antiquity in the democratic tradition. In this sense, border areas—zones, countries, and cities—are not marginal to the constitution of a public sphere but rather are at the center¹³.

Could therefore new communities arise to surround and shelter the vulnerable people found at the margins of our eroding nation-states? How can we protect the millions of migrants on the move despite the best efforts the US border patrol and the navies of NATO? Which village will raise the child bouncing back and forth between East LA and El Salvador? Or will the migrant child's ID be the transnational gang tattoo? Are other communities imaginable?

Imaginings

As Partha Chatterjee proposes, we can move beyond “the modular forms” of European statehood implied by Anderson and look towards an “imagined community”. Chatterjee sees in the Indian struggle for independence a different imagined community, pre-fabricated in a spiritual and cultural consciousness within the colonial system long before India achieves full independence. Crucially, he sees “fragments” of a nation being constructed before they are put together to make the whole¹⁴.

Chatterjee's emphasis on the spiritual and cultural fragments of emerging nations may provide clues towards new constructions of citizenship. Even a cursory look at the Tex–Mex border confirms the power of individuals and small communities to rewrite culture, cuisine, even language and religion. Certainly, there are deep contradictions at the borders, as immigration debates bear witness, but there is also the possibility of reconciliation as groups meld over time.

Likewise, steady efforts to construct a Europe continue though, as Balibar asks: “Is there a ‘European people,’ even an emergent one? Nothing is less certain.”¹⁵ Might not similar efforts aimed at constructing protective identities be pursued elsewhere? Might not Europe, birthplace of the nation-state, be an empowering vision today for activists disheartened at the thought of constructing whole new identities with which to secure rights and protections? Enrique Dussel has these encouraging words:

Understanding the “centrality” of Europe as just two centuries old allows us to suppose that what has not been subsumed by modernity stands a good chance of emerging strongly and being rediscovered *not as an anti-historical miracle*, but as the resurgence of a recent potentiality in many of the cultures blinded by the dazzling “brightness”—in many cases only apparent—of Western culture and modernity¹⁶.

¹² Cf. Măcelaru, Marcel, “Christianity and the Refugee Crisis”, *Transformation* 35.2 (2018), pp. 69-76.

¹³ *We, the People of Europe?: Reflections on Transnational Citizenship*, (Translation/Transnation) Etienne Balibar, James Swenson, English Edition, Princeton, Princeton University Press, 2003.

¹⁴ Chatterjee, Partha, *The Nation and Its Fragments: Colonial and Postcolonial Histories*, Princeton, NJ, Princeton University Press, 1993.

¹⁵ Balibar, Etienne, *We, the People of Europe? Reflections on Transnational Citizenship*, Princeton and Oxford, Princeton University Press, 2004.

¹⁶ Dussel, Enrique, *World-System and “Trans”-Modernity, Nepantla: Views from South* 3:2, Duke University Press, 2002.

Materializing

As we know from countless human rights groups, and immigration and refugee accounts, the child is in a far more precarious position than the not-so-venerable nation-state. While some may find purpose in nursing the state back to robust health, it seems to me a far nobler calling to build up a new citizenship around the vulnerable immigrant child, around the refugee, around the orphan. This section considers some of the ways, both historic and current, that non-state actors have already played, or are playing, a role in defining and redefining rights. It serves as a prelude to the wider questions: What restrictions remain on reimagining nation and citizenship – if the traditional models are failing to protect so many? And how might the church think differently if it is truly to embody redemptive and salvific assemblies around the needy child, to “defend the weak and the fatherless; uphold the cause of the poor and the oppressed”¹⁷?

Around the world, as Balibar explores, we see groups forging their own versions of citizenship and identity:

But if we view positively, for instance, such claims as those of proponents in Brazil, whose motto is “justice for the rightless” when they demand that paramilitary forces who kill and terrorize the poor be tried and condemned, or those of migrant workers in France who protest against their being denied official documents by asking for a “*droit de cité pour les sans papiers*” (legal residence for the undocumented), we can view these demands based on resistance and the refusal of violence as partial but direct expressions of the *process of the creation of rights*, a dynamic which allows the political constitution to become recognized as “popular sovereignty” or democracy.¹⁸

In Tennessee, a group of citizens and undocumented workers took action to quietly claim citizenship by pursuing driver’s licenses. They were explicitly committed to bending the conceptions of citizenship and “making a way out of no way”¹⁹. As Fran Ansley writes:

The loose national network of driver’s license campaigns across the USA provides a vivid example of the still-emergent, still-inchoate example of building new claims suited to our global economy. Sometimes such claims are based on formally realizable rights; at others they may only hint at a possible future²⁰.

This concept of making a way out of no way is crucial to understanding the possibilities and challenges inherent in this approach. It is neither naïve nor overly optimistic.

Church and Mission

Might it also be time then for the church²¹, who seeks to protect the vulnerable child, to look beyond the established international order also?

The above examples of secular non-state actors serve as a reminder that the state does not hold a monopoly on membership. It is also worth remembering that, not too long ago, it was the church that registered people’s existence and membership in the community. Before the state managed to

¹⁷ Psalm 82:3.

¹⁸ Balibar, Etienne, “Outlines of a Topography of Cruelty: Citizenship and Civility in the Era of Global Violence”, *Constellations*, 2001, 8:1.

¹⁹ Ansley, Fran, “Constructing citizenship without a licence: the struggle of undocumented immigrants in the USA for livelihoods and recognition,” in *Inclusive Citizenship: Meanings and Expressions*, Kabeer, Naila, Editor, London, UK, Zed Books, 2005.

²⁰ *Ibid.*

²¹ Ioan-Gheorghe Rotaru, “Misiunea Bisericii în societate” (“Mission of the Church in Society”), *Timotheus – Incursiuni Teologice Tematice* 4 (2), 2017, pp. 57-76.

create its registries, mostly for the purpose of taxation and conscription²², the task was usually left in the hands of the local church parish, at least in much of Europe and Latin America. Indeed, civil registries were only created in most Latin American countries as part of the Liberal Conservative political party struggles of the mid-19th century. The dates for the US, Canada and the UK are similar.

Today again, some churches are involving themselves on the immigration issue. While many US churches oppose immigration, others have gone as far as offering sanctuary in their buildings to undocumented migrants. The New Sanctuary Movement of Philadelphia²³, building on both ancient traditions and the much more recent Sanctuary movement of the 1980s, is actively pursuing protections for aliens. Perhaps a further step for the church would be to take up again the tasks of creating registries of residents and strengthening the documentary and evidentiary trail of membership in local communities.²⁴

In a more recent example, a church in Wisconsin issues laminated photo ID cards to its students of English as a second language; these provide the identification they need to secure leases so their children can have secure homes²⁵. Likewise, a church I work with in Michigan mediates between those accused of traffic infractions and the police²⁶. The church's involvement in 'community dispute resolution program mediation'²⁷ has successfully averted family break-up and prevented parents from being deported and separated from their children.

Future Imaginings

In today's world, a government's ability to uphold rights and provide security cannot be taken for granted, and individuals are increasingly looking beyond the traditional nation-state for their identity and protections. As a Sanctuary City, Cambridge Massachusetts has resisted the enforcement of federal immigration laws it deems unjust and, as recently as 2017, reaffirmed its commitment to providing educational, health and other services for all residents, regardless of their immigration status²⁸. Might it go further and take its cue from the Swiss by granting its residents citizenship papers?

Given that the forms of nation and citizen evolve, and always have done, as this paper has set out, could and should the church rethink its approach to defending and caring for the vulnerable child? Instead of spending its energy appealing to polarized, even paralyzed, local and national governments, should it be looking at ways to constitute alternative communities of sanctuary? Perhaps we can start along the journey now, instead of waiting for our political party to have a majority or setting up an NGO?

If sovereignty, citizenship and the nature of belonging can be bent and reshaped, and new nations birthed, if even the definition of a person evolves, why should we not set out to bend, break and change the rules to better love the child, to organize ourselves around the child on the margins,

²² Scott, James, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, New Haven, CT, Yale University Press, 1998.

²³ New Sanctuary Movement of Philadelphia. Retrieved October 9, 2024, from <https://www.sanctuaryphiladelphia.org>

²⁴ Ioan-Gheorghe Rotaru, "Biserica lui Dumnezeu, sursa unui Râu al Vieții și al Vindecării" ("The Church of God, Source of a River of Life and Healing"), *Argeșul orthodox*, 2012, XI, nr.564.

²⁵ Personal correspondence with community organizer, July 2024.

²⁶ Third Reformed Church in Holland, Michigan.

²⁷ Michigan Courts. Retrieved October 9, 2024, from <https://www.courts.michigan.gov/administration/offices/office-of-dispute-resolution/CDRP/>

²⁸ City of Cambridge. Retrieved October 9, 2024, from <https://www.cambridgema.gov/news/2017/01/sanctuarycitystatement>

to better glorify our Lord? If the landless in Brazil can assemble to reclaim land on which to house themselves, if the unemployed in Argentina can seize closed factories in which to work to feed their children, how might today's church step up? If the primitive church²⁹ in Romans could blend Jew and Greek, redeem slave and free, and encourage mutual submission, at the heart of Caesar's empire and in open violation of his family codes, while justifying their belonging, what evidence of God's Kingdom can we embody today?

In Casa Adobe, where I live and work in Costa Rica, we have tried to create a loving extended family, assembling a community around those in need, including refugees and children with special needs. We may be small, but we believe that, as we await our Cornerstone, we already constitute an ecclesia, a new family, a Kingdom on a mission.

We should be encouraged, and challenged, by the fact that even secular theorists such as Chatterjee describe *acts of citizenship* as a spiritual pilgrimage. Likewise, Richard Falk calls for a spiritual category of construction, that of the citizen pilgrim³⁰. The word 'pilgrim' implies challenge. To go beyond imagining better protections and making them real will call on all our determination and hope and creativity. Perhaps we start by recognizing our privilege as those adopted in Christ and acknowledging that the 'least of these' is our kin in his Kingdom?³¹

²⁹ Ioan-Gheorghe Rotaru, "Aspects of Biblical Philosophy on the Development of World Civilizations", *Scientia Moralitas. International Journal of Multidisciplinary Research* 8 (2023), nr.1, pp. 62-79.

³⁰ Falk, Richard, "An Emergent Matrix of Citizenship: Complex, Uneven, and Fluid", in *Global Citizenship: A Critical Introduction*, Dowers, Nigel and Williams, John (Eds.), New York, Routledge, 2002.

³¹ On the Christian input in the re-imagining proposed here, see further, Măcelaru, Marcel, "Burdens of Identity – On Christian Existence in a Post-Christian World", in C. Constantineanu, G. Rață and P. Runcan (eds.), *Values of Christian Relationships*, Puterea de a fi altfel 3, Bucharest, Editura Didactică și Pedagogică, 2014, pp. 169-174; Ioan-Gheorghe Rotaru, "The Reason for having a Devotional Life in a Secularized World", in *Pastorație și Misiune în Diaspora. Lucrările Simpozionului Internațional de Știință, Teologie și Artă (International Symposium on Science, Theology and Arts - ISSA 2021)*, Himcinschi, Mihai; Onișor, Remus (eds.), ediția a XX-a, vol. I, Alba Iulia, Editura Reîntregirea, 2021, pp.135-152; Măcelaru, Marcel, "Cultural Diversity – A Biblical Argument", in C. Constantineanu, G. Rață and P. Runcan (eds), *Christian Values vs Contemporary Values*, Puterea de a fi altfel 2, Bucharest, Editura Didactică și Pedagogică, 2014, pp. 283-290; Măcelaru, Marcel, "Equality – A Christian Imperative?", in C. Constantineanu, G. Rață and P. Runcan (eds), *Christian Values vs Contemporary Values*, Puterea de a fi altfel 2, Bucharest: Editura Didactică și Pedagogică, 2014, pp. 75-82; Ioan-Gheorghe Rotaru, "Trăiește și tu după modelul lui Iisus Hristos !" (Live in the model of Jesus Christ), *Argeșul ortodox (The Orthodox Argeș)*, XI, 2012, nr.562, p.5; See also: Ioan-Gheorghe Rotaru, "Natura și scopul Legii Morale a celor sfinte Zece Porunci" ("The Nature and Purpose of the Moral Law of the Holy Ten Commandments"), *Păstorul ortodox*, Editura Arhiepiscopiei Argeșului și Muscelului, Curtea de Argeș, 2015, pp. 318-322.

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