

Part II Special Issue

Gender and Constitutional Citizenship

**GENDER AND CONSTITUTIONAL CITIZENSHIP:
Combining Historical, Theoretical and Doctrinal Perspectives**
Helen IRVING

**A COMMENT ON PROFESSOR IRVING'S PAPER,
"GENDER AND CONSTITUTIONAL CITIZENSHIP: COMBINING
HISTORICAL, THEORETICAL AND DOCTRINAL PERSPECTIVES"**
OKANO Yayo

Hagi Seminar 2011 Workshop 1

Jon MORRIS

Workshop 1 of Day 4 of the "Gender Equality and Multicultural Conviviality in the Age of Globalization" Global COE Program's Hagi Seminar took place at Tohoku University on the 16th October, 2011. The workshop was part of a research project organized by Professor Miyoko Tsujimura, and focused on a presentation entitled: 'Gender and Constitutional Citizenship: Combining Historical, Theoretical and Doctrinal Perspectives' delivered by Professor Helen Irving of the Sydney University Law School, an expert in Constitutional History, Constitutional Law and Jurisprudence. The commentator was the political philosopher and theorist Professor Yayo Okano of the Graduate School of Global Studies, Doshisha University.

Professor Irving opened her presentation with the questions: "What does it mean to be a citizen?" and "Does citizenship have a different meaning for men and women?" Moving beyond the rights-centered discourse which typifies most approaches to these issues, she focused on the key issue of how citizenship is acquired in the first place, and introduced the legal history of citizenship with particular attention given to women's history of unequal access to it. Acknowledging the inequalities in social rights which limit "political citizenship", Professor Irving explained the contrasting notion of "constitutional citizenship", which depends upon qualities or attributes that allow a person to be legally defined. The history of gender-discriminatory legal rules surrounding the acquisition of citizenship is, regrettably, little known to non-specialists. A range of examples were presented of women's experience of such legal conditions as "marital naturalization", "marital denaturalization" and being "under disability". Professor Irving argued that these legal impositions were based on essentially masculine definitions of citizenship, and concluded with a commentary on the centrality of citizen "consent" in establishing constitutional legitimacy and the importance of recognizing the gendered nature of historical and contemporary constitutional narratives.

Professor Okano provided a commentary which offered theoretical insights from thinkers such as Arendt, Walzer and Young, and a discussion of the Japanese legal and constitutional history of the various issues which were raised in Professor Irving's presentation; including examples relating to the Family Registration Law. Professor Okano provided an ideal starting point for the extremely fruitful discussion which followed by offering questions concerning obtaining a new citizenship, dual citizenship and reproductive rights as constitutional rights. I was most pleased to be involved with this extremely thought-provoking and fruitful workshop which brought depth and perspective to these fundamental issues, some of which continue to affect my own family directly.