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IS THERE (STILL) AN EAST-WEST DIVIDE IN THE
CONCEPTION OF CITIZENSHIP IN EUROPE?

edited by Rainer Bauböck and André Liebich

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES
EUROPEAN UNION DEMOCRACY OBSERVATORY ON CITIZENSHIP

Is there (still) an East-West divide in the conception of citizenship in Europe?

EDITED BY RAINER BAUBÖCK AND ANDRÉ LIEBICH

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Abstract

It is common in the literature on nationalism and citizenship to distinguish between civic conceptions of the political community that are seen to prevail in Western Europe and North America and ethnic ones that are said to be characteristics of Central and Eastern Europe. EUDO CITIZENSHIP has invited scholars to answer the question whether this contrast is merely a Western stereotype or can be traced in national citizenship laws and policies.

In his opening article, André Liebich highlights several important historical conditions shared by the former communist accession states to the European Union. Among these are not only long periods of authoritarian rule, but also the comparatively recent formation as independent states and a lack of recent experience with and recognition for ethno-linguistic diversity. Liebich observes a dramatic difference between Western and Eastern European states specifically with regard to birthright acquisition by *ius soli* or *ius sanguinis* and predicts that the new member states will find it hard to adapt their citizenship regimes to the fact that they, too, are now becoming countries of immigration.

Five authors respond to André Liebich's analysis, partly pointing to empirical evidence of strongly ethnic conceptions of citizenship in some of the "old" EU member states, and partly challenging the attempt to fit countries with quite different histories into geographical blocks that are then contrasted with each other. The debate concludes with a rejoinder by André Liebich in which he replies to his critics.

Keywords

Citizenship regimes, Eastern Europe, Western Europe, ethnic nations, civic nations, *ius soli*, *ius sanguinis*, dual citizenship, naturalisation.

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Is there (still) an East-West divide in the conception of citizenship in Europe?

André Liebich *

All the new EU members in East Central Europe have revised their nationality laws since the fall of communism. Most countries have adopted new legislation, sometimes more than once. The one exception, Poland, has reinterpreted crucial aspects of its existing nationality law in so radical a way as to amount to new legislation. All these countries are mindful of the Council of Europe's latest Convention on Nationality (1997). Indeed, all these countries now share a common European citizenship with their Western neighbours.

But the question put in this forum goes beyond the question of nationality laws to inquire about conceptions of citizenship. It is such conceptions that will affect future revisions and interpretations of nationality laws and, most crucially, their application. They will also determine how people live their nationality and how they incorporate or exclude others from sharing a common citizenship. I would argue that these conceptions differ widely between Western and East Central Europe for a number of historical and contemporary reasons.

The historic differences between the two parts of Europe have been described by scholars (for example, Berend 1986, Chirot 1989, Janos 1989) in terms of peripheral or lagging development. Elsewhere, I have emphasized the recent establishment of the existing East Central European states and the resultant fragility of their statehood as a factor of differentiation (Liebich 2007). In the context of this forum, I would underscore the historic isolation of East Central Europe. I am not thinking only of the "Iron Curtain" that separated the Soviet Bloc from the rest of Europe in the second half of the twentieth century. I am referring also to the fact that this area "missed out" at the beginning of the modern era on the turn towards an Atlantic-centred world-system. Some of the transformations that originated in Western Europe, such as capitalism and the Industrial Revolution, came to East Central Europe well after their inception in the West. Other innovations, such as the modern nation state, were only adopted but also adapted at a later date. Still others, notably overseas expansion, never marked this area. A measure of this isolation is that none of the official languages of the new EU members has official currency in another country, as is the case for all the old EU members' languages (with the exception of Finnish).

This isolation from many defining currents of present-day Western Europe explains certain striking differences in value systems. Intuitive or anecdotal findings in this respect are confirmed by empirical studies. A recent enquiry (Best 2009) puts a number of citizenship-related propositions to elite and general respondents in ten old EU countries and seven new EU members. In response to the statement, "To be a [national] it is important to have [national] parents," the first five respondents who answer affirmatively are all new EU members (Poland, Bulgaria, Estonia, Czech Republic, Hungary) as is the seventh (Lithuania). In reply to the statement, "To be a [national] it is important to be born in [country]," four of the first five affirmative respondents are new EU members (Estonia, Poland, Bulgaria, Czech Republic). Finally, "To be a [national] it is important to be a Christian," five of the top seven respondents are new EU members (Poland, Bulgaria, Lithuania, Estonia). These findings may be compared to those of another study (Fuchs and Klingemann 2006) which looks at twenty-seven countries, including all ten post-communist EU members and four old EU states (Sweden, Finland, Spain and West Germany, excluding the ex-DDR). The study concludes that the level of "trust in others" is almost twice as high (43% vs. 22%) in the old EU countries selected compared to

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the new EU ones. The level of "ethnic tolerance," meaning acceptance of homosexuality, prostitution, abortion and divorce, is close to three times higher in these old EU states than in the new EU countries (32% vs. 12%). Isolation may be even more important than ethnicity in determining attitudes towards citizenship. The new EU members routinely make citizenship acquisition easier for co-ethnics and their descendants but so do four old EU members (Ireland, Italy, Germany, Greece) and two others facilitate citizenship for ex-colonial populations (Spain and Portugal). It is only when we compare modes of acquisition at birth that we see a clear and dramatic difference between the old and the new EU members. In seven of the fifteen old EU states, *ius sanguinis* is the only way of acquiring nationality at birth; this is the case for all the new EU states (with exceptions in both types of states for children born stateless or foundlings). In eight of the old EU states, however, citizenship on the basis of *ius soli* may be acquired for the second or third generation born in the country of non-citizen parents (Bauböck 2006). As far as I can determine, there are no corresponding provisions in the new EU states.

This discrepancy must be seen in the light of the huge differential in the number of immigrants between the two parts of Europe. If one discounts the extreme case in Western Europe (Luxemburg with 40% foreign residents) and the exceptional situation of Estonia and Latvia in Eastern Europe, with their numerous non-naturalized russophones (17% and 19% of the country's population respectively) one finds that some 6% of the old EU consists of residents with foreign citizenship. The corresponding figure in the ten EU post communist countries is barely 1% (Eurostat cited in Liebich 2008). Similarly, the foreign born represent some 11% of the population in the old EU 15 and only 6,5% of the eight post communist states that adhered to the EU in 2004; if one discounts for Latvia (19,2%) and Estonia (15,2%) where the foreign-born are ex-Soviets and for Slovenia (8,5%) where the foreign born are ex-Yugoslavs, only 3% of these post-communist populations is effectively foreign-born (Migration Information Source 2005).

Comparative studies have shown (counter-intuitively perhaps) that resistance to immigrants is stronger in Eastern European countries where they are fewer than in Western European countries where they are more numerous (Coenders et al 2004). In response to the question, "would you object to a foreign neighbour?" affirmative answers in the old EU run to less than 20% of the population (and less than 10% in Sweden, the Netherlands and Portugal) except in Italy and Belgium where they are in the 20% to 30% bracket. In the nine post-communist EU countries surveyed (Hungary was omitted), only in two countries, Latvia (!) and Slovenia, did fewer than 20% of the respondents answer affirmatively, four were in the 20% to 30% bracket (Poland, Czech Republic, Lithuania, Estonia) and in three (Slovakia, Romania, Bulgaria) answers ranged between 30% and 40%. The responses in the Russian Federation were closer to those of Western Europe than to those of the new EU members (Halman et al 2005). Inwardness, as much as suspicion, would seem to explain such results. New EU citizens are only one-third as favourable to the open European labour market as are citizens of the old EU states (10% vs. 33%), even though it is new Europeans who are set to benefit most from such openness. Whereas more than 60% of Europeans in the old EU states are "proud to be European citizens," this is the case for only 42% of new Europeans. Not even the highest response rate here (59% for Hungary) attains the old EU average (Thomassen and Bäck 2008).

If the strangeness of the outside world has been a fundamental reality to the new EU states in the past, one can see that this is rapidly changing with highly developed communication, travel, short term emigration and repatriation. Most significantly from our point of view, the new EU countries are becoming, for the first time in recent history, countries of immigration rather than only of emigration. Reliable figures are hard to find, if only because much of the immigration is illegal, but the anecdotal evidence is abundant. Workers from the former Soviet Union flock to the shadow economies of East Central Europe and hope to blend into the population. Legal or illegal Chinese and Vietnamese immigrants are more visible, whether in low-skilled jobs or in the economic niches they have established. Some of these immigrants may move home or move West, but many will stay and the question of their citizenship will inevitably come to the fore.

On the basis of what we have seen, the new EU states will not find it easy to amend their citizenship laws and practices in such a way as to integrate these new arrivals. The new EU states see their national community as composed of those born in their country, of parents who were also born there. These states have made allowance for gathering in members of their own diasporas who choose to return home or to reassert their ties to their homeland. They will need to fundamentally rethink their conception of community to formally incorporate newcomers or the children of newcomers with no blood ties or historic connections to the country. True, such a reformulation of citizenship is nowhere easy. Germany, the West European country with the closest ties to the new EU members, famously refused to see itself as a country of immigration until a decade or so ago. The pressure of time and numbers has forced it to reconsider. Ex-imperial EU members have transformed colonial intercourse into national integration, whether of a "republican" sort, as in France, or of a "multicultural" variety, as in Britain or the Netherlands. The new EU members have no such experience to fall back upon and they will not be given the time to adjust to new realities. It is unlikely that in the near future they will amend their nationality laws to facilitate the naturalisation of unrelated immigrants or to confer citizenship automatically upon the offspring of these immigrants. The gulf between conception of citizenship in East and West will not be bridged soon.

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Ethnic preferentialism in European Union states: East and West

Mária M. Kovács*

Liebich's characterization of the divide between East and West relies on several different arguments, among them a strong emphasis on the historical differences dividing Eastern Europe from Western Europe. In this account, differences of history explain much of why the concept of citizenship in Eastern European new member states is more exclusivist and ethnicist than in old member states. East European states have used citizenship to "gather in members of their own diaspora who choose to return home or to reassert their ties to their homeland". In this view, the assumption underlying policies regarding the initial determination of citizenship, the creation of new status laws, of rules instituting preferential naturalisation and of establishing external dual citizenship for ethnic kins, is that the borders of the national community do not overlap with international borders and that therefore states have the obligation and the right to formulate citizenship policies in a manner that would address the concerns of diaspora minorities.

Indeed, following 1989 elements of ethnic selectivity and preferentialism have appeared in the citizenship policies of several Eastern European states. It is however, less evident that these features would be unique to the new member states. In fact at closer examination, the states of post-communist Eastern Europe effectively borrowed models of ethnic preferentialism that had been available as precedents at work at the time of their adoption in the old EU-states. Some of these, as the Portuguese law relating to the rights of Lusophone populations outside Portugal specified mostly status-law type rights relating to preferential treatment in work-related rights, entry and residence rights. At the same time, the unification of East and West Germany put the previous West German concept of citizenship based on an automatic extension of West German citizenship to East Germans in a remarkable perspective by fulfilling the prophecy implicit in the self-understanding of West Germany as being in existence only for a transitory period in the history of the German people until the unity of the German people was completed. Thus, besides long-durée historical traditions, East European states emerging out of the Soviet bloc were certainly impressed by and also responding to the historic events happening in their own days.

The history of the Hungarian status law reveals a clear case of institutional imitation in which the origins of the concept can clearly be traced back to a model prevalent in the old EU, primarily of course, in Germany. Hungary borrowed the model of preferential treatment of kin minorities straight from the German precedent. Several years before the Hungarian Status Law had been formulated, Hungarian proponents of such legislation used the example of Germany to argue for the establishment of the concept of what they called, "Status-ungarisch", even using the German language in order to make the analogy stronger, to refer to people of Hungarian ethnicity living outside Hungary for whom Hungary should offer the option of citizenship rights as well as a set of special benefits even if these ethnic Hungarians do not possess Hungarian nationality in the sense of international law.

Meanwhile in the decades of the 1990s other states of the EU-15, among them Spain and Italy progressively eased preferential access to citizenship by external ethnic kins in the framework of dual citizenship arrangements and Germany also extended such privileges en masse to members of the German minority on the German-Polish border in Silesia. As opponents of ethnic preferentialism in the new EU states came to learn during their domestic debates on citizenship reform, the claim that EU standards would oblige states to not exercise ethnic selectivity has been a weak claim that is easily refuted by references to practices of ethnic selectivity in states of the EU-15.

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This is of course not to claim that the magnitude of the problems potentially created by ethnic selectivity in citizenship policies would in any way be similar in the old and new EU states. This comment is only meant to plea for more caution in implicitly identifying compatibility with EU-standards with any coherent notion of “Western” practices as against practices and ideas prevalent in the east of where the Iron Curtain was once found.

Towards a Global Theory of Citizenship

Shushanik Makaryan*

In his argument Lieblich outlines several historical and contemporary reasons that have resulted in, what he describes as, “West” vs. “East” conceptions of citizenship. Specifically, in this forum and also elsewhere (1998, 2009) Lieblich attributes these differences in modes of citizenship to the periphery status of the “new” EU states, historical isolation (i.e. later transition to capitalism and industrial revolution, the Iron Curtain, shorter period of independent statehood, no overseas expansion). Lieblich notes that being a weak state and having that insecurity drives this division between the “West” and “East” concepts in the modes of citizenship.

I think the dynamics that Lieblich identifies in this forum and also elsewhere can be found among East European states. But I still think caution is needed in several respects when making such “clear-cut” distinctions. And hence, I would disagree with Lieblich’s distinction about “East” vs. “West” models of citizenship—one reason being that these states are still “states in transition” and not only conceptions of statehood and nationhood are being developed there, but also conceptions of citizenship are still being defined and institutionalized. My research and expertise are in post-Soviet 15 republics. And I find that the tension of citizenship dynamics and nation-building for national minorities vs. ethnic titular group are in a dialectic relationship. As the titular groups have tried to reinforce their identity and statehood, the national minorities too have tried to reinforce their culture.

So a practical question arises from Lieblich’s thesis. What do these distinctions (“East” vs “West”) then mean for ethnic minorities and immigrants in these states, and what do they mean for the titular groups of the state? In other words, what is it that changes or is different for ethnic minorities in the “old” EU states vs. “new” EU states?

(1) While the “West” vs. “East” hypothesis may be supported in regard to dual citizenship or citizenship at birth, in other aspects it is not. In regard to naturalization, in “old” European states Germany has a very demanding process of naturalization of immigrants. Austria’s recent amendment in 2006 has resulted in sharp decrease of naturalization rates. Why then Denmark wants foreigners to pass language and Denmark history and culture test before they are allowed to move to Denmark to reunite with their families? (Copenhagen Post, December 13, 2005). Or why in Emmen, Switzerland (not an EU state), the naturalisation of 56 migrants could be decided by plebiscite (Time, May 22, 2000)? When it comes to naturalization, practices in the “old” and “Western” EU states do not always seem to be so “inclusionary”.

(2) Lieblich puts a lot of emphasis on the public opinion—to predict that this divide will become even sharper. Is this transition similar to the transition that the “West” underwent decades/years ago in the wake of globalization? Perhaps, the “East” is just involved in a delayed process that has also occurred in the “West?” Moreover, there is some counter evidence against the leverage that Lieblich attributes to the public opinion. Given the incentive to join the EU, in Latvia and Estonia the initially “homogenous” visions of nation-state building have been completely reformulated and practically rephrased. The discourse of restoring the “lost” nationhood and saving the “disappearing nation” (Kionka 1991) has been replaced with a new wording—for example, the Latvian national integration program states that “Latvia has never been an ethnically homogenous nation” (stated in the National program “Integration of Society in Latvia, Naturalization Board of the Republic of Latvia 2001: 5). Similar steps were taken in Estonia too to change the public opinion about integration, national minorities. Moreover, given their fragile position in the world system, as new states, these countries

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are subject to an enormous pressure to conform to the world culture of human rights. So how much more “exclusionist” can they get?

Causally, I think, it may be even harder to establish whether the “Eastern” model of citizenship is a new conception, or whether it is borrowed from old Western states. Upon the collapse of the USSR, Latvia and Estonia justified their “exclusive” practices on naturalization by citing more exclusive practices that other West-European states had in place, such as Switzerland.

(3) Are these distinctions generalizable from Europe to the larger world, i.e. can we describe and generalize the “West” as industrial, core, more developed countries, and the “East” as peripheral/semiperipheral countries, and would then find the same pattern identified by Liebich on a global scale? I think if we move even further east, to the former Soviet republics, such as those in the Central Asia (Kazakhstan, Tajikistan, etc), all dimensions change. These states too are “historically isolated” (they became independent states only in 1991, had no overseas expansion, were economically less developed and had a delayed transition to capitalism). And there is a trend there to make naturalization more demanding for immigrants. Still, their conceptions of the “ethnic nation” are quite different from, say, the Danish or Greek ones. I doubt one could even define what the “ethnic nation” means for these states (since while it is being elaborated, it is undefined yet since it has been only a few years that they have put it into their nation-state discourse). These titular nations had very weak conceptions of ethnicity (if any) before the Soviet era. After the collapse of the USSR, the titular nations here are inventing their ethnic identities, often searching roots in “Islam” (a supra-national identity). For example, in Kazakhstan or Tajikistan, the only requirement for naturalization is residence in the country (max 5 years, and is waived for many categories of people). In Tajikistan that requirement is waived if one adopts a child who is a Tajik citizen. While language or history of the nation are “ethnic” markers of the titular group, the residency requirement is not an “ethnic” marker.

So to sum up, I think while the trends identified by Liebich are evident, due to the dynamic nature of nation-state building in these “countries in transition,” these distinctions are quite fragile, and may vary as we expand the geographic scope of comparison. So in that sense, are we considering a regional theory of citizenship or there are some other exogenous variables that can also explain the divide between Western vs. Eastern models of citizenship globally?

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How (not) to think about historical regions?

Costantin Iordachi*

The question posed to this citizenship forum, "Is there (still) an East-West divide in the conception of citizenship in Europe?" is an exercise in comparative history. In order to provide a theoretically minded and empirically informed answer to this question, one has to analyze historical case studies of citizenship in "East" and "West" under a common comparative framework. How can such a comparative framework be built? What would it entail? Methodologically, any comparative framework has to specify the following elements: the aim of the comparison; the working hypothesis to be tested; the methods employed to this end; the units of comparisons; and the diachronic or synchronic perspective to be employed.

Although not stated explicitly, the aim of the comparison can be easily inferred from the research question posed to the forum, namely to identify the similarities and differences between conceptions of citizenship in Eastern and Western Europe in order to establish them either as identical or as distinct types. This appears to be one of Professor André Liebich's main research aims, set both in his introduction to the volume of *Citizenship Policies in the New Europe* (2007; 2nd ed: 2009), and in his kickoff contribution to this forum. Professor Liebich argues that conceptions of citizenship "differ widely between Western and East Central Europe" due to "a number of historical and contemporary reasons." Historically, East Central Europe exhibits the example of a "peripheral or lagging development" as compared to the paradigmatic Western European model of development, given the fact that it "missed out at the beginning of the modern era on the turn towards an Atlantic-centred world-system." To their divergent historical developments, Prof. Liebich adds other factors which differentiate East Central European states from their more advanced Western counterparts, namely their small size, the fragility of their statehood, and mostly their traditional "isolation," which further deepened during the communist period. Due to this complex combination of factors, the East-Central European conception of citizenship currently differs from the Western one in its value system. These differences in values are most manifest in: 1) the role of played by ethnicity in determining attitudes towards citizenship in East Central Europe; and, most importantly, in 2) the modes of acquisition of citizenship at birth, where "we see a clear and dramatic difference between the old and the new EU members" (my emphasis): *ius sanguinis* is the only way of acquiring nationality in the new EU member countries located in East Central Europe, while in eight of the old EU states second or third generations born in the country of non-citizen parents are eligible for citizenship on the basis of the *ius soli* principle. Prof. Liebich concludes that the East Central European conception of citizenship exhibits a case of incomplete modernization. It is to be expected that, eventually, East Central Europe will catch up with the West and will embrace the Western conception of citizenship. Yet, given the avatars of its historical development and its long-term isolation, "the gulf between conceptions of citizenship in East and West will not be bridged soon."

Prof. Liebich's main argument is in line with a long and established tradition of thinking about Eastern Europe as an example of a "deviant" development, substantiated by teleological typologies on modernization, nationalism, or time-zones of nation and state-building in Europe. Although these typologies are very diverse and often divergent in their definition of "East" and "West," they all converge in contrasting the developed "West" to an underdeveloped "East" (referring to Central, South Eastern and Eastern Europe), the development of the former being portrayed mainly in positive terms, while that of the latter in negative ones. Most of these typologies were produced during the

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Cold War, when—under the strong impression of the political cleavage between the “First” and the “Second” worlds—Western historians advocated the idea of a wide divergence in the historical development of the two halves of the continent. Their perception was to a great extent shaped by disillusioned local or émigré Eastern historians who advocated the idea of a “deviationist,” “mutant” or even “pathological” historical development of Eastern Europe (for a relevant example, see István Bibó’s 1946 essay, “The Distress of East European Small States,” which provides the basis of Prof. Liebich’s interpretation of East Central Europe). While adopting the core of their argument, Prof. Liebich introduces two new elements to these Cold War typologies: first, he replaces the traditional analytical category of Eastern Europe with the more recent geo-political term “East Central Europe;” and second, he extends existing typologies on industrialization, modernization, and nation- and state-building in various historical regions of Europe to the realm of citizenship, as well.

In the following, I shall depart from this line of interpretation. I shall argue that, while the question posed to this form can potentially constitute a valid research aim, it nevertheless suffers from a major analytical flaw: the units of comparison are not defined in the process of research but appear to be pre-given, based on the assumption that conceptions of citizenship are an inherent product of, and thus specific to, historical regions in Europe. I shall attempt to refute the idea of a clear-cut dichotomy or “gulf” between a “Western type” of citizenship and an “Eastern type” and to question the explanatory power of generic conceptions of citizenship to describe the concrete historical experience of entire regions, understood as homogeneous, monolithic constructs (for an in-depth critique of such views with reference to the Balkans, see Iordachi 2006). Contesting the heuristic utility of such normative concepts as “East” and “West,” I propose instead a different, integrated comparative perspective for approaching the history of modern Europe which does not take Western Europe as a normative measuring stick but instead accounts for a plurality of historical experiences which constitute our common European identities.

First, I argue that “East” and “West” are normative and not analytical categories, and cannot serve as valid units of analysis of citizenship policies in Europe. In my view, concepts of historical regions are no more than analytical constructions devised for heuristic purposes; as abstract concepts, they do not reflect historical reality per se, but are (ever-changing) attempts at endowing geography with historical and cultural meaning, reflecting “essentially contested” geopolitical conventions prevalent at a certain point in time. The concepts of East and West are a case in point. As Larry Wolf has pertinently pointed out (1995), Eastern and Western Europe are relatively new and inter-related categories on our mental maps. From the eighteenth century onward, the traditional North vs. South symbolic geographical line which was taken to separate “Barbarity” from “Civilization” was reformulated as an East-West divide. Responsible for this new continental “mental map” were les philosophes during the Enlightenment period, who articulated a new, hegemonic discourse on the Eastern European otherness, as a necessary ingredient in the construction of a modern Western identity (for related debates over symbolic geographies, see Said 1979 on “Orientalism;” Carrier 1995 on “Occidentalism”; and Todorova 1997 on the Balkans). The rich and highly disputed history of the concept of Central Europe is another case in point for the social construction of concepts of historical regions and their political implications. The concept of Central Europe was born after, and was thus dependent on, the concepts of Eastern and Western Europe, being conceived as a buffer zone in-between those two major geo-political categories. During the last two centuries, one can identify a great number of rival definitions of Central Europe: from the Habsburg vision of Central Europe of the eighteenth and nineteenth centuries, the Hungarian Kárpát-medence (Carpathian basin), the German Mitteleuropa on the eve of World War One, the French dominated Europe Centrale of the interwar period, to the purge of the concept of Central Europe from the Cold War political vocabulary under Soviet hegemony and its revival in mid-1980s in the work of anti-communist émigré intellectuals and dissidents (Janowsky, Iordachi, Trencsényi 2005). The term East Central Europe, employed by Prof. Liebich, is even more recent, being currently employed as a convenient shortcut used to designate the group of states which joined the EU in 2004, from the three Baltic states (Estonia, Latvia, Lithuania), to the four Visegrád countries (Poland, the Czech Republic, Slovakia and Hungary), and Slovenia in

former Yugoslavia (supplemented more recently by the new EU members, Romania and Bulgaria). As such, the term does not refer to a compact historical region per se, but cuts across other, more established concepts of historical regions, such as the older tripartite division between Central, Southeastern, and Eastern Europe. Significantly, Germany is left out of the concept of East Central Europe, irrespective of its traditional historical ties with Central Europe or the communist legacy of its Eastern part, the former GDR. So is Greece, which, although geographically in the Balkans, is symbolically excluded from its immediate regional context and integrated in the "political West" on the count that it joined the EC/EU as early as 1981.

One encounters similar problems in defining "the West." What are the borders of this geo-political category? Do they incorporate all countries which are located geographically in Western Europe, including here Spain, Portugal and Ireland? Or only those who undertook the "dual" industrial and political revolution at similar times, thus maybe restricting our sample to France, England, and the Benelux countries (Belgium, the Netherlands, and Luxembourg)? Given their history of "late" state formation, relatively late industrialization and strong fascist regimes in the interwar period, what is the symbolic position of Germany and Italy? Are they part of Central Europe or of Western Europe? Would the concept of the West, as employed by Prof. Liebich, refer to the fifteen "old" EU members, thus including Greece and Austria but excluding Switzerland, as a counterpart of the ten new member states, symbolically located in East Central Europe? Or would the category of the (political) West, refer to all those countries which are allegedly characterized by a set of common political values, including here Canada and the US?

Given the normative political connotations of apparently "neutral" regional geographical denominations, terms such as Western, East Central or Eastern Europe cannot be employed without ample methodological clarifications. At first sight, their usage as units of comparison seem to be fully justified by the well established academic tradition of "area studies," as reinforced by the scholarship elaborated during/in view of the Cold War: on the one hand the former "Soviet camp" made up of the satellite socialist states; on the other hand, the "political West", which developed common economic and security organizations since 1945. At close scrutiny, however, it becomes apparent that these heterogeneous, ad-hoc, and highly politicized geopolitical constructs cannot constitute valid units of analyzing conceptions of citizenship.

Second, what is the analytical utility of these concepts of historical regions for the history of citizenship in Europe? Are there distinct Eastern versus Western "conceptions of citizenship"? The answer to this question depends on two main points: the definition given to "conceptions of citizenship" and the selection of the set of features such conceptions of citizenship need to display in order to qualify as distinct types. The first point occasions a methodological discussion about the relationship between citizenship legislation and more general conceptions of citizenship. I, for one, treat citizenship as an "essentially contested concept" whose meaning is never stable but shifts over time as a function of the fluid understanding/positions taken by various actors during the political process. On this basis, I do not equate legislation on citizenship or legal policies of naturalization with "fixed" and "internally unified" conceptions of citizenship, but I take the former as complex outcomes of political negotiations at various levels. But even if we agreed that there indeed exist coherent and homogeneous national or even regional conceptions of citizenship at work in contemporary Europe, the selection of their main representative features remains a difficult exercise. Prof. Liebich singles out two major features which differentiate Eastern and Western conceptions on citizenship: 1) the recent legislation on kin-minorities abroad adopted in East Central Europe; and 2) techniques for ascribing citizenship at birth. Are these valid criteria to differentiate between regional conceptions of citizenship? I believe not.

The first criterion does not stand to close scrutiny: as other respondents to this forum have also pertinently pointed out, legislation on kin-minorities abroad is not specific to East Central Europe, but to other non-Eastern countries as well (Spain, Portugal, Greece, Italy, Ireland, etc.). To take this as a mark of an East Central European conception of citizenship would be thus misleading. The concerted

wave of recent laws on kin-minorities abroad adopted in East Central Europe can be historically explained by the fact that, during communist regimes, national policies for the protection of minorities abroad were largely suppressed under the terms of the *pax Sovietica*; it was only after the collapse of communism that these countries could resume their national policies, in various forms.

The second criterion of differentiation between the Western and East Central European conceptions of citizenship is found in the role assigned to the *ius soli* and *ius sanguinis* principles in ascribing citizenship at birth in the two regions. This argument, too, cannot stand up to close scrutiny, due to a number of factors. First, and most importantly, although *ius soli* and *ius sanguinis* are often taken--uncritically, I believe--to provide the foundations of distinct models of political communities, in fact these rules are no more than techniques of ascribing citizenship at birth; as such, these legal principles do not reflect, in themselves, conceptions of citizenship. In fact, these techniques tell us nothing about the political value systems or visions of citizenship at work in certain countries or regions: various historical examples show us that they can be equally built into liberal as well as in illiberal citizenship regimes. Second, although taken by Prof. Liebich as a symbolic border between East-Central and Western conceptions of citizenship, the line of differentiation between *ius soli* and *ius sanguinis* policies of citizenship is in fact not geographical but follows from established legal traditions. More precisely, one can distinguish between, on the one hand, typical countries of immigration such as the US and Great Britain, which follow the Anglo-Saxon legal tradition and grant citizenship to all inhabitants born in the country on the basis of the *ius soli* principle, and, on the other hand, most European countries, which ascribe citizenship at birth to descendents of citizens according to the principle of *ius sanguinis*. Evidently, the dividing line between these two, Anglo-Saxon and continental, legal traditions is not congruent to the East vs. West geographical distinction: First, it cuts across the allegedly homogeneous analytical category of the "West," along the English Channel. Second, most Western and East Central European countries belong in fact to the same continental tradition of ascribing citizenship at birth *iure sanguinis*. The difference within this continental tradition is that some countries rely exclusively on the *ius sanguinis* principle in ascribing citizenship at birth, with the total exclusion of the *ius soli* principle, such as in Germany prior to 2000; while other countries, such as France, supplement the principle of *ius sanguinis* with the principle of *ius soli* ascription of citizenship at birth to foreigners born in the country. Yet, this internal difference within the continental tradition is not absolute: although, as Professor Liebich notes, the *ius soli* principle is lacking in policies of ascribing citizenship at birth in numerous East Central European countries, it is nevertheless present, in various forms, in policies of naturalization of foreigners born in the country. Let me employ the example of the Romanian legislation, which is closer to my research interest. The 1991 law applied citizenship at birth to descendents of at least one Romanian citizen, according to the *ius sanguinis* principle. Indeed, the *ius soli* principle has no bearing upon ascribing citizenship at birth. Yet, in its provisions concerning naturalization, the law grants access to naturalization at adulthood to foreigners born in the country who continue to live there at the time of their request. True, the naturalization of foreigners born in the country is currently not automatic (as it used to be until 1952), but is subject to the standard procedure for naturalization (apart from the general residence period required for ordinary naturalization). But we should note that even France, the paramount example of an inclusive combination of *ius sanguinis* and *ius soli* policies of ascribing citizenship at birth in continental Europe, has recently discontinued the automatic access to citizenship at birth of foreigners born in the country (see the 1993 citizenship reform act which, instead of granting naturalization, required foreigners born in the country to request French nationality at adulthood). This requirement was abrogated in 1998, but under current regulations children born in France of foreign parents become French citizens only upon reaching adulthood). Overall, while differences in policies of ascribing citizenship within the European continental tradition still exist, they do not appear to be "clear and dramatic". On the contrary, as the recent amendments to citizenship laws in France and Germany referred to above show, there is a process of convergence. Most importantly, although procedures differ, the consequences of the policy of *ius soli* naturalization of foreigners born in the country tend in practice to be fairly close to policies based on a combination of *ius soli* and *ius*

sanguinis ascription at birth: both result in the naturalization of the first or second generation foreigners born in the country.

It thus becomes obvious that, even if one agrees on feasible definitions of "East" and "West" (an issue which, given the methodological challenges spelled above, is highly problematic), one cannot identify two distinct Eastern versus Western conceptions of citizenship. Yet, what are the implications of this statement? Does this mean that historical regions are irrelevant units of analysis? Should historical regions be abandoned as units of comparison? Certainly not; I do share the view that historical regions can serve as privileged angles through which to approach the history of certain geographical spaces and as useful heuristic devices for tackling certain research topics with an obvious regional significance. While arguing for the relevance of historical regions for research, I nevertheless plead against rigid or "totalizing" definitions of such regions that would cut across various historical periods or would disregard factors of internal differentiation. Lumping together East Central European countries makes sense only on well-defined and issue-oriented research topics, e.g. in view of their common communist legacy and their post-communist transformation. While this perspective may justify their common treatment, similarities should not be uncritically extended to all their historical or contemporary features. To do so would be to impose homogeneity upon an extremely heterogeneous category.

It is fairly easy, I believe, to discard those historical or conjectural features/criteria which are arbitrarily taken to characterize all East Central European states, such as their smallness, fragility, and isolation: First, although there has indeed been a process of continuous political fragmentation of the region in small independent political units, East Central European countries are not invariably small (just as Western European countries are not without exception large): Poland, Ukraine and Romania are large to medium-size countries. Complete statistics on population and territorial size would certainly show a very variegated geographical ranking. Second, East Central European countries are not necessarily fragile; this criterion is, in itself, ambiguous and begs for a more precise definition: but if we refer to discontinuous statehood as an example of fragility, then modern Romania--to give but one example--exhibits the case of uninterrupted state continuity from its very creation, in 1859, just like the two "Western" states established at similar times, Italy and Germany. From this point of view, to place Romania in the East and Italy and Germany in the West would not be justified; it is more rewarding analytically to treat them together as part of the same time-zone of nation and state-building, as surprising as that would seem at first sight. Third, East Central European states were never fully isolated from European trends, not even during the communist regime, the two rival political systems being in fact largely interdependent and contaminated by mutual influences. In the realm of citizenship, legal differences between the two blocks were to a certain extent mediated by the UN (see its conventions on citizenship), the 1973 Conference on Security and Co-operation in Europe (CSCE), and the 1975 Helsinki agreement.

In historical terms, the development of East-Central European countries has never been unitary: it fact, in the modern period, they have been shaped by at least three distinct imperial legacies (Habsburg, Ottoman, Tsarist) and by various post-imperial waves of Western style modernization, informed by different models and combined with local traditions and innovations. In economic terms, these countries were not necessarily backward; see the industrialization of Bohemia or Silesia (currently part of Poland), or the near take-off towards industrialization of Austria-Hungary at the turn of the century. True, after 1945 these countries were subject to a forceful process of Sovietization; yet that process was neither uniform nor monolithic but was made up of a set of multifaceted, large-scale institutional and ideological transfers, characterized by multiple "takeovers" in various fields. Consequently, despite decades of forced Sovietization, East Central European countries are not fully alike but exhibit great historical differences in the modern juridical and political models they have adopted, in the main features of their socialist regimes, and their paths to post-communist transformation.

By the same token, one can reverse the question and deconstruct the Western model of development, as well. Is there such a unified historical model? What are its main features? Which countries would embody that model most closely? Do France and England, to take two of the core countries generally referred to as "the West," exhibit a similar historical development that would translate into a common conception of citizenship? "If capitalism is of one piece, why is the working class it called into life so disparate?" asked Aristide Zolberg in a famous article in which he urged historians to go "beyond the 'exceptionalist tradition' and its mirror image, 'the end of ideology approach'" (1999: 401). The question can be extended to other research aspects, as well. Discourses on the "uniqueness of the West" thus appear as an exercise in epitomizing or typifying "the West", an exercise James Carrier called "Occidentalism" and which he succinctly defined as "stylized images of the West" elaborated by Western scholars in their encounters with non-Western cultures (1995).

Ultimately, even if one can prove a quasi-identical historical development of East Central European countries, on the one hand, and Western European countries, on the other, what relevance would that have for delineating regional conceptions of citizenship? Is the historical development of citizenship in various countries in East and West a direct outcome of the level of economic development of the particular historical region they belong to? Or is it a function of wider factors that have to do with their legal and political systems and, as such, exhibit a certain autonomy from the socio-economic sphere? In view of these objections, to lump all countries in one region together in Western or East-Central European conceptions of citizenship is both methodologically problematic and factually inaccurate.

On a more general level, I argue that, in order to understand citizenship legislation in Europe in all its diversity and complexity, we must abandon "teleological" typologies based on "normative" ideological premises, which regard non-Western countries as would-be carbon copies of the West and deny them historical agency and institutional creativity. Rejecting master narratives on European history which equate the history of the continent with the historical experience of Western Europe, I plead instead for an integrative European perspective that incorporates case studies of citizenship in Europe within a common but non-normative and non-teleological methodological framework. Informed by recent theoretical and methodological perspectives on the "shared" or "connected" history of Europe, such an integrative approach would be able to uncover the mutual interdependence among case studies of citizenship in Europe and thus undermine the prevailing tendency to essentialize the experience of European historical regions such as "the West" or the "East". It would relativize Western "exceptionalism" and Eastern "distinctiveness" in favor of relational and transnational approaches. I, for one, am at work on such a project.

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Five comments on citizenship policies in CEE countries

Costica Dumbrava*

1. Historical determinism

Does recent and discontinuous statehood determine citizenship policies in Central and East European (CEE) countries? History can offer interesting insights for understanding recent changes in CEE countries but it cannot count as the only explanation. This remark is equally valid for changes in the 'West' (e.g. German reform of citizenship law). First, the stress on national statehood leads to the problematic idea of 'nationhood', coherent frames that nation-states have developed in order to house their relatively uncontested identities. Second, such a historically-laden account disregards politics. History can be either a burden or a resource, but it is always filtered by the politics of the time and place. In this sense, we can see that much of the political energies in the end of the 1980s/beginning of the 1990s in the CEE countries were spent on reshuffling personnel, reforming states, and re-inventing the market. Ravaging nationalism and vociferous ethnic quarrels did occur but in an environment which was also characterized by a certain ideological hangover and a sense of rediscovered pragmatism (e.g. market experimentalism).

2. Ethnic citizenship

New (or radically reformed) states have to make clear decisions on who is to be a citizen. Although it is generally accepted that residence in the territory at the time of political change offers a good ground for membership, there are still no clear norms to be applied in such cases. Excepting the special case of some Baltic states, CEE countries did follow the generic rule of matching actual residence with political membership. The fact that they did more than that, by establishing privileged channels for access to citizenship for certain categories of non-residents (former citizens, co-ethnics) had to do indeed with the historical legacy of the region and its complicated ethnical map. However, these special provisions should not be seen as deriving from grand conceptions of the nation, but, in many cases, as symbolic gestures of reconciliation with the past.

3. The East/West divide

Ethnic/civic, West/East are famous but controversial dichotomies. Even accepting the ethnic/civic divide as a 'heuristic device' it is not clear why this has to overlap with the East/West dichotomy. There is no such thing as a Western model of citizenship and, despite some degree of convergence, the civic philosophy of the Western regimes is widely contested. The "re/ethnicization" thesis, for example, shows that many Western countries are reforming their policies to secure ties with their co-nationals abroad (entitlements to citizenship for descendents, special voting rights) and raise the price of incorporation for their immigrant population (cultural and language tests for naturalization). How is the facilitated naturalization of Latin Americans in Spain different from the facilitated naturalization of Moldavians in Romania? One should not take for granted that in the first case it is about pragmatism (securing labor force, demographic policy) while in the other it is about creepy ethno-nationalism. Historical factors offer some policy justification to the Eastern states which are not available to the Western ones. Compensatory measures related to past injustice led to reversing

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communist-era deprivations of citizenship and only exceptionally to revengeful withdrawal of citizenship from non-ethnic residents. There is little remedial justice involved in the decision of the Dutch to make possible the perpetual retention of citizenship by citizens abroad (not to mention the “racist” reconfiguring of citizenship rules in some ex-colonial states). With respect to dual citizenship, the differences between West and East are far from obvious. There is a general trend towards the acceptance of dual citizenship and the restrictive/liberal divide cuts across Europe.

4. The limited contact with diversity in CEE

One feature of the special outlook of the citizenship regimes in CEE countries is considered to be the lack of contact between these societies and “others”. There was indeed limited immigration in these states, at least for the half century before the breakdown of communism, but the region does not lack the experience of diversity. On the contrary, CEE countries are a great “mixing” of people. They may have not built empires but empires had been built over them. Despite recent tragedies in the area, the history of intercultural experience and pragmatic if not value-driven cohabitation should not be disregarded (this point is nicely illustrated by the unfulfilled prediction of civil war in Transylvania in the 1990s). It is maybe too much diversity that has shaped some features of citizenship regimes in CEE states and not the lack of diversity.

5. Incrementalism

During or after writing new constitutions, decisions on membership have to be taken and they have to be taken quickly. This involves only exceptionally large democratic debates. To a great extent, citizenship regulations come together with other technical issues and involve 'uninteresting' legalistic and administrative considerations. Without downsizing the normative content and implications of such rules, one must be aware of the degree of incrementalism in their design and application. An example from CEE countries is the case of the 'erased people' in Slovenia, in which few thousands of persons lost their entitlement to citizenship due to some administrative fault. This case is quite different from that of Russian speaking minorities in Latvia or Estonia who were deliberately excluded from initial access to citizenship, but the example speaks about the way in which individual entitlements do not always spring from grand mischievous (nationalistic) projects.

Is Citizenship a Solution or a Lightning Rod? Comparing the backlash in the “two” Europes

Raymond Taras*

Stark dichotomies such as East versus West, *jus soli* versus *jus sanguinis*, civic versus ethnic nationalism, secularism versus religiosity, majority versus minority group, and inclusion versus exclusion have an irresistible appeal. Discussion on this forum has reflected differences in semantics as much as differences in substance. When semantic deliberations have been dispensed with, the next natural subject to engage in appears to be the historical determinism that shapes a state’s behavior.

It is self evident that Europe is more complex than an analytic partition into EU states and EU neighborhood, or old and new members of the EU, allows for. Today’s euro and Schengen zones reveal no neat overlap with other organizational affiliation. The process of regionalization promoted by the EU’s Committee of the Regions and the European Regional Development Fund makes mapping Europe even more elusive. Jacques Rupnik highlighted the salience of blurry borders when he asserted that “A ‘Europe of Regions’ has fed the dreams of borderland denizens--the Sami, the Catalans, the Basques, the Tyroleans, the Galicians.” Geographer Donald McNeill weighed in with a focus on European re-territorialization, which represents “a shift from the one-dimensional map of Europe as having fixed borders to one in which city-based, regional, national, and European scales of action are fluid.”

Remapping Europe can be an intriguing and creative exercise in unraveling concealed cleavages, unanticipated hybridity, and modal uniformity. Nevertheless, in leading off the forum debate on citizenship west and east, André Liebich justifiably probes the empirics of the distinctive normative pathways of Europe old and new. The data he presents are both qualitative and quantitative in nature. He leads with an emphasis on the differences in individual EU states’ legal requirements that an alien must meet to become naturalized. He follows with fascinating attitudinal survey results illustrating how European publics differ in their views of co-ethnics and of strangers. Liebich suggests that there may be a “typical” western European and eastern European approach to foreigners, but he is quick to point out the outliers that do not fit the pattern. Conceptions of citizenship and community, he contend, should not be divorced from naturalization laws themselves.

Indeed, the EUDO Citizenship Observatory offers an opportunity to demonstrate how complex and nuanced citizenship laws are which, in turn, refract contending perceptions of national community. However one crosscutting phenomenon is the existence—intended or not, openly acknowledged or not, normatively correct or not—of linguistic, ethnic, and even religious hierarchies in conceptualizations of community and, accordingly, legal frameworks governing citizenship. Special cases justifying fast-track citizenship procedures abound, as contributions to the forum have acknowledged: Portugal and the Lusophone community in Africa and South America; Hungary and the large Magyar minorities concentrated just outside its borders; France and its *farflung* (and in places dubious) francophonie; Britain and its favored Commonwealth citizens; and Germany with its vast German diaspora (significantly, the notion of a German diaspora is not often recognized in this way).

EU enlargement has made standardization more difficult, never more so than in norms setting out minority rights, reception of migrants, and of course naturalization processes. The very definition of minorities, for example, is contested by some EU states, notably France. Some countries have put the onus of defining who constitutes a minority not on the minority group itself but on the people who constitute the majority in the state. By this logic, who the majority people is serves as the starting point

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in defining both minority and citizen. Thus, traditional German constitutional law identified the *Staatsvolk*--the people making up the state. Such constitutional and legal distinctions make clear who really belongs to a state and who are merely its denizens or outright outsiders.

It is important to recognize how much progress the EU has recorded over the years in harmonizing norms on citizenship. It may seem inappropriate to ask, then, whether citizens today are becoming strangers to themselves even as citizenship laws have been liberalized. Large-scale immigration has reshaped ethnic hierarchies in European countries, sometimes in a positive, affirmative-action way, at other times yielding racist practices and religious discrimination. As one recent report summarized, “Immigrants, and particularly foreigners, are presented as the persons responsible for the deterioration of security conditions, terrorism, unemployment and increased public expenditure. This process of stigmatization and criminalization provides a breeding ground for racial discrimination towards this part of Europe’s population.”

It seems an intuitive finding that the first group of citizens to be re-stigmatized as strangers is that which has recently been naturalized and is of migrant background. In advocating more liberal naturalization laws in member states, the European Commission may, unintentionally, have helped turn citizens against themselves by helping create faux citizens in the minds of majority community members. Certain of the attitudinal data provided by Liebich indicate greater suspicion of foreigners in eastern Europe than in the west. But with only a very recent experience of serving as receiving societies for migrants, the apparent phenomenon of re-framing naturalized citizens into strangers is largely limited to the west.

We need more research to establish whether the west “trips up” its new citizens in ways unknown in the east, and what consequences follow from this for social cohesion. Evidence from France suggests that longstanding French citizens of Maghrebi background are being cast in media representations as foreigners or, at best, bogus “paper citizens.” In Germany, many Turks naturalized under the 1999 Citizenship Act continue to be viewed as aliens; citizenship has had little impact on their perceived identity in the receiving society. Liberalizing naturalization laws and expanding citizenship may have unpleasant, unintended consequences, therefore. Instead of being hailed for integrating into a host society, migrants who acquire citizenship may become subject to scapegoating or ridicule. For a time Swedish press reports regularly identified suspects involved in crime or violence by the euphemism “a Swedish citizen.” On another continent terms like “New Canadian” and “Néo-Québécois” have been invoked derisively to describe naturalized immigrants. Depending upon the level of xenophobic politics in a state, acquiring citizenship can become a stigma.

Let me consider a related citizenship issue that centers squarely on the purported west-east divide. How much evidence is there that people’s views of current EU nationals of one country, who have moved to another EU state, continue to hold that they are strangers and migrants. Illustrative examples are Romanian and Roma workers in Italy and Spain who could boast of their EU citizenship since 2007 yet are commonly regarded as aliens and are seen as deportable under certain conditions. Especially during an economic downturn, “othering” of easterners in the west may increase even though, paradoxically, the number of labor migrants from recent accession states in old Europe has been falling.

These observations show the importance of studying citizenship not just upstream—examining what is required to obtain it—but also downstream—gauging what actually changes with its acquisition. That is why the notion of belonging must have a place in a discussion of citizenship. The two are closely related: “If citizenship signifies the participatory dimension of belonging, identification relates to the more emotive dimension of association. Feeling that one is part of a collectivity, a community, a social category, or yearning to be so, is not the same as actually taking part in a political community with all the rights and responsibilities involved.”

Belonging signifies that individuals identify with a community and, conversely, that communities construct themselves as aggregators for individual belonging. It furnishes the psychological wiring for legal citizenship.

The west's idea of belonging, conventional wisdom tells us, involves a liberal, inclusive approach that produces a multicultural society. The stereotype of the east is its purportedly paranoid, exclusionary bent where an ethnic reading of the state and its inhabitants dominate. EU enlargement was designed in part to supplant the east's supposed rigid ideas about belonging and not belonging. On the one hand, as we can infer from Dr. Liebich's thesis, cultural boundaries in Europe have not been removed, sometimes not even blurred. On the other, little effort has been made to debunk myths about the supposedly nationalistic essentializing east. Its backwardness served as the rationale for enlargement; since then, the image of the traumatized east has helped reproduce the cultural boundedness of the region.

Two prominent social theorists have argued that "The challenge for Europe is not culture but politics." A clear case where that argument does not stand is the differing approach taken to citizenship across the European Union. Aspiring citizens across Europe know how much national cultures affect their prospects.

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Is there (still) an East-West divide in the conception of citizenship in Europe? A rejoinder

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The organisers' objective in launching this forum with a provocative question was to launch a debate. They have clearly succeeded as shown by the five thoughtful responses to the answer I suggested to the organisers' question. I am grateful to these five respondents, some of whom are old friends and others whom I have come to know through this forum, for taking the time and trouble to probe the issue which concerns us here, namely, the nature of citizenship, broadly understood, within the enlarged European Union.

My kick-off piece consisted of two parts: first, a brief consideration of the relation between the historical legacy of the new EU members and their conception of citizenship; second, a more sustained argument about the impact of the long-term "isolation" of this area in terms of its inhabitants' intercourse with "outsiders." In the present context, "outsiders" means the small but growing number of immigrants to this area from outside the EU zone who, sooner or later, will seek to become citizens. I confess that I am taken aback by the fact that most respondents have chosen to address the first issue and have skirted or sidestepped the second. This is a pity because it seems to me that the second issue, that of how the new EU members will respond as states of immigration, is the one that is more likely to exercise observers in the future.

I owe it to my respondents though to respond to the aspects of my piece that they have chosen to address and, at the risk of repeating what I have written elsewhere, I shall go over the argument that I have made in my kick-off piece and elsewhere. Basically, this argument consists of saying that history matters. Even when one finds similarities of citizenship law or policy among old and new EU members, these are founded on different trajectories as well as different rationales. For that reason, one should be cautious about assuming that they will work themselves out in the same way.

As Mária Kovács and Constantin Iordachi point out, both Spain and Portugal facilitate permanent residence and eventual citizenship for individuals from their former colonies as once did the United Kingdom and France. Germany, Italy, and Ireland have facilitated citizenship for their diasporas. In most cases, however, citizenship has required settlement in the country of origin and, in all cases, citizenship on the basis of former colonial ties or distant descent is now becoming more difficult. True, Italy (and, for that matter, very recently, Belgium) have scrapped the requirement that other citizenships be given up, thus augmenting still further, by the way, the number of old EU states receptive to multiple citizenship. At the same time, descent is being defined in increasingly narrow ways in the old EU states, generally not beyond the second generation born abroad and/or it is weighed down with cumbersome registration procedures. Compare this to the intemporal provisions for acquisition of Bulgarian citizenship by origin. Article 9 of the 1999 Citizenship Act states that "[a]ny person ... whose descent from a Bulgarian citizen has been established by way of a court ruling shall be a Bulgarian citizen by origin." And Article 15 paragraph 1 of the same law states that "[a]ny person who is not a Bulgarian citizen may acquire Bulgarian citizenship if he/she is of a Bulgarian origin." As we learn from a recent article reference on this observatory's website, the law may change but at present there is a brisk market for Bulgarian passports for ethnics living abroad (EUDO Citizenship posting, 6 November 2009, 18:26).

I am not quite convinced by Mária Kovács point regarding the analogies between the Hungarian Status Law, about which she gave a fascinating presentation at an earlier meeting of our citizenship project in Vienna, and the German Citizenship Law. The latter is founded on a "right of return"

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principle and immediate full citizenship, related to the analogous Israeli conception. The notion of a "Hungarian" status, as for that matter, a "karta Polaka" or the corresponding Slovak and Slovenian "card" or "status" seem to me to be peculiarly characteristic of the new EU states. These are "half-way houses," quasi or semi-citizenships, conferring benefits on co-ethnics resident abroad and, above all, demarcating a notion of belonging – on ethnic criteria - of individuals living abroad.

Shushanik Makaryan brings her expertise on Central Asia to bear upon the issue we are discussing. Her experience of these countries leads her to emphasize the fact that conceptions of citizenship are still being defined and institutionalized. This is true for the new EU countries as well but, in contrast to Central Asia, these countries have more institutional historical baggage to deal with, as is clear from her rejoinder. I take the point that residency overrides other criteria for citizenship in Central Asia but I think the interdiction of multiple citizenship, now enforced even in the one case of Turkmenistan which had previously signed a bilateral agreement with Russia, is as telling an indication of how citizenship is conceived. Finally, the point is well taken that naturalization practices in the old EU states are becoming less inclusionary. I shall return to this point later.

Constantin Iordachi has done me the honour of commenting at length and with passion on my initial piece. I hope he will forgive me for providing a more cursory response. Yes, of course, geography is not just geography. We loved to point out in the Cold War era that Prague is west of Vienna and Poznan is west of Stockholm. But there is no need to be spooked out by the putatively value-laden connotations of "West" and "East." It is Constantin not I who refers to "a long and established tradition of thinking about Eastern Europe as an example of 'deviant' development." The more we learn about long term economic history the more the surge of Western Europe at the beginning of the industrial era emerges as a deviant or exceptional case rather than as a norm. Regardless of who is deviant or who is normal, the situation remains that per capita income is lower in all the new EU member states (with the exception of Slovenia) than in any of the old EU member states. According to the IMF, in 2008 the latter ranged from 1st world wide (Luxemburg) to 32nd (Portugal) whereas the former ranged from 35th (Czech Republic) to 72nd (Bulgaria). Slovenia, by the way, was 31st and I am not taking account of Cyprus (26th) and Malta (36th) which are new member states but not the ones that interest us here.

Not only is the explanation I offer not based on "normative ideological premises" but it is also not based on "teleological" typologies, to quote Constantin's terms. The authors I cite are aware and perhaps even deeply troubled by the fact that the countries lying in the area of the enlarged European Union have been making efforts to attain West European standards of development but have been unsuccessful. The last effort was the socialist experiment. For a while, it might seem to have been working. In 1960 standards of living in Poland and Spain, measured by such criteria as car or appliance ownership, were roughly the same. Today they are significantly divergent. Will the new states catch up and surpass – 'dogonit i pergonit', the Soviets used to say – the old EU members? Who knows? Maybe? Probably not soon? There is no teleology in this.

As for the reasons for this divergence, they are historical as, I think, Constantin too would recognize. Yes, Prague was more populous than Paris in the Middle Ages and Silesia and Bohemia were humming with mining and other proto-industrial activity. But then, "stuff happened" to borrow a term from a deservedly forgotten individual. The reorientation of the global economy toward the Atlantic, the acquisition of overseas empires, the vulnerability of what are now the new states of the Union to rapacious neighbours, these are the sorts of phenomena that changed what must have seemed to our medieval ancestors an inevitable development. The results of these changes were, in large part, "bloß geographisch," as our German friends would say. Vienna and Stockholm fell behind London, Amsterdam and Paris and Cracow and Pressbourg/Bratislava or Plovdiv fell behind Vienna and Stockholm. Did these changes "have to happen"? No, but they did.

Constantin Iordachi also makes the point that "legal principles do not reflect, in themselves, conceptions of citizenship." Well, this has been a point of dispute ever since Rogers Brubaker's classic

work on citizenship in 1992. Of course, there is no one-to-one mirror relationship and we have long abandoned the sort of epistemology which posited such a reflection. Actually, Constantin himself invokes a number of legal principle – legislation on kin minorities, *ius soli* and *ius sanguinis* – to make his case about the invalidity of the distinction between citizenship in the West and citizenship in the East so he must believe there is a relationship between legal principles and conceptions of citizenship.

Constantin points out that there are other lines of distinction. He refers, for example, to "typical countries of immigration, such as the US and Great Britain, which follow the Anglo-Saxon legal tradition and grant citizenship to all inhabitants born in the country." Well, the United States followed what might be called a radically ethnic policy by denying citizenship to Afro-Americans, slaves or free, until adoption of the 14th amendment in 1868, then denying citizenship to Asians from 1870 until the late 1940s, and only granting citizenship to indigenous Americans in 1924. Britain over history was a country of emigration rather than immigration. It thought of itself in terms of empire and indeed long had no clear conception of citizenship but only one of imperial subjecthood. When the consequences of such fuzzy universalism became clear, Britain slammed the doors. Constantin distinguishes the Anglo-Saxon tradition from "continental, legal traditions," which "ascribe citizenship at birth to descendents of citizens according to the principle of *ius sanguinis*." France, par excellence, the country of continental legal tradition, has vacillated on this issue but it has adhered to a universal *ius soli* for longer than has the United States.

I agree with much of Costica Dumbrava writes. Yes, history is not an iron cage. Moreover, history is continuously in the making. Circumstances change radically because of unexpected event, such as the Revolutions of 1989. Human perceptions, such as stereotypes, or social mores usually evolve more gradually. Structural factors may dictate a jagged course – think of the long-term history of Spain or the more recent history of Russia – but, in the cases that concern us here, they show a surprisingly (and perhaps dishearteningly) steady course. Relative per capita income between the areas of the old and the new EU states, or what economic historians call core and periphery states, has remained proportionately stable over the *longue durée*.

In writing that "[e]xcepting the special case of some Baltic states CEE countries did follow the generic rule of matching actual residence with political membership," I presume Costica Dumbrava is referring to the post-1989 period. Yes, this is because the 1989 revolutions did not change borders in most cases. The three exceptions are Germany and, slightly later, Slovenia and Czechoslovakia. In the first case, East Germans were already considered Germans tout court by Bonn. In the latter cases, an internal sub-state identity, Czech or Slovak or Slovenian, became a formal citizenship with possibilities of option. These possibilities were supposed to be easily applicable but, as many Slovak Roma living in the Czech lands and some ex-Yugoslavs in Slovenia found out, they were not. Otherwise, yes, for those living in East Central Europe, citizenship - or lack of it - did not change because of the Revolutions.

Costica Dumbrava agrees that access to citizenship for certain categories of non-residents was indeed related to the historical legacy of the region but he sees these provisions as "deriving not from grand conceptions of the nation, but, in many cases, as symbolic gestures of reconciliation with the past." Yes, there have been some symbolic gestures, such as citizenship restitution (I understand that in the Czech case it was "granting" anew) for individuals who had been deprived during the communist era. But how should one interpret the Polish policy of repatriating from the depths of the ex-Soviet Union the descendents of Poles who had been exiled as long ago as the tsarist period? Does this symbolic gesture not suppose a certain conception of the nation? A key criteria of repatriation, by the way, is a "Polish sensibility" (*polskość*) as, in most cases, these individuals no longer speak Polish and may not have complete documents to prove their ancestry. How much more "spiritual" can you get, in the sense in which Ernest Renan uses this term in "Qu'est ce que la Nation?"

It is true that "[t]here is no such thing as a Western model of citizenship." But the question in this forum is not whether there are Eastern and Western models of citizenship but whether there is a divide

between the Western or older members of the EU and the Eastern or more recent members with respect to conceptions of citizenship. "How is the facilitated naturalization of Latin Americans in Spain, different from the "facilitated naturalization of Moldavians in Romania?" asks Costica. Well, it is indeed very different. Latin Americans in Spain are entitled to apply for naturalization after two years of residence in Spain. As Constantin Iordachi has reminded us in a recent posting on this forum (12 May 2009 15:10), Moldavians may acquire Romanian citizenship, in an accelerated process – maximum five months says the newly re-elected Romanian president - while remaining resident abroad.

I do not share Costica Dumbrava's view that "there is little remedial justice involved in the decision of the Dutch to make possible the perpetual retention of citizenship by citizens abroad." This is indeed a matter of remedial justice, just as is restoring citizenship to women who were deprived of it by reasons of marriage to a foreigner. But I agree with Costica that this remedial measure addresses a very different sort of problem. The Dutch are bringing citizenship provisions up to date with contemporary conceptions of entitlement. In introducing restitution provisions, of one sort or another, the East Central Europeans are trying to offer remedy for cataclysmic historical events, such as the repression of their peoples or the amputation of national territory or the disappearance of their state. Yes, Costica is correct that East Central Europe was an area of great ethnic diversity but it is much less so today, having gone from Kokoshka to Modigliani as Karl Deutsch and Ernest Gellner put it. Most East Central Europeans today live in a monolingual, mono-ethnic, often mono-religious environment. The notion of who is an "outsider" has expanded in step with the diminution of local ethnic minorities. As Constantin Iordachi wrote in the posting cited above, "[a]ll EU-12 new member states give privileged access to their citizenship to descendants of emigrants or persons with close cultural affinity, or have at least done so for a certain period after 1989."

There may be a general trend towards the acceptance of dual citizenship, as Costica Dumbrava writes, or, at least, it is much less of an anomaly since adoption of the 1997 European Convention on Nationality than it had previously been. But here I think we all underestimate the distinction between authorizing or tolerating multiple citizenship for citizens by birth and forbidding it to naturalized citizens. Requiring previous citizenship to be abandoned is a high price tag for naturalization as is preventing a naturalized citizen from naturalizing elsewhere. Both are clearly ways of privileging native-born citizens. As far as I can make out, ten of the fifteen old EU members do not require renunciation of previous citizenship upon naturalization whereas this is true for only three of the ten new EU members (Hungary, Romania, Slovakia). There are usually special provisions for those who cannot renounce a nationality and half-way cases, such as Spain's acceptance of plural nationality for naturalized Spaniards who were formerly Latin Americans, Filipinos, Equatorial Guineans and Portuguese (which would make it an eleventh old EU member accepting plural nationality for naturalized citizens). The difference seems to me to be an important and telling one.

The difference between the rights of naturalized and native-born citizens is important because, as I tried to suggest in my initial piece, the citizenship issue of the future in the new EU member states is going to be the claim for naturalization of a growing number of outsiders, often from distant lands. Ray Taras addresses the issue of immigration directly and a number of contributors to this forum have underlined that naturalization requirements are becoming tougher in the old EU countries. This is true and, as Ray points out, this is due to a perception of "outsiders" as dangerous or subversive, an attitude that persists even when they are no longer legally foreigners. What prompted my reflections is that similarly or even more defensive and hostile attitudes can be identified in the new EU countries, notwithstanding the fact that immigration there is on a much, much smaller scale than it is in the old EU. Moreover, the new EU countries have unlegislated "protective" mechanisms that make naturalization more difficult. How many third world nationals can pass a Polish, Hungarian or Romanian language test as compared to those who can pass one in English, French, Spanish or Portuguese? How many actually see East Central Europe as a final destination rather than as a transit point towards Western Europe?

Nevertheless, the number of non-kin immigrants to the new EU members will rise because of the dynamics of international migration and if, as surveys concur in showing, even the few who are there already raise suspicions, an increase in immigrant numbers can be expected to heighten these suspicions. How will these states react when these immigrants and then their children have lived there long enough to naturalize? Will they change their laws to make citizenship even more difficult for outsiders? Or will they resort to administrative means (about which we have not spoken in this forum) to put obstacles in the path of would-be citizens? The fact that Western European states are moving in this direction will only encourage the new EU members to do the same. Such a common downward spiral in inclusion is not the sort of convergence between old and new members that we are hoping for. Once again too, such apparent similarity would be founded on very different social realities. Third World immigration in the old EU is numerically significant and longstanding. Present restrictions come after a period of openness and they are contested. Such a tradition of immigration liberalism is entirely lacking in the new EU states; if anything, the Chinese, Vietnamese or others who were brought in during the Communist period are considered undesirable relics of that era.

Ray Taras also rightly brings up the "downstream" issue of recently naturalized citizens in Western Europe and in Canada who are still perceived as "others" or as merely "paper citizens." The misdeeds, real or imagined, of such citizens strengthen the backlash against new incomers. This is undoubtedly true. We know that citizenship does not end discrimination, as the example of Roma cited by Ray shows. I would add that they are seen as outsiders not only in EU Spain and Italy, as he points out, but also in the countries whose citizenship they possess. Still, citizenship confers overwhelmingly significant rights, such as the right not to be expelled from one's country, as well as the possibility to make one's presence felt politically or, at least, to be factored into political calculations. This is why we seek out best practices, an admittedly normative term, and why we probe the variety of conceptions underlying principles of citizenship.

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