

TRANSNATIONAL CITIZENSHIP AND MIGRATION

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TRANSNATIONAL CITIZENSHIP AND MIGRATION

RAINER BAUBÖCK, *European University Institute, Italy*

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Introduction

1. Is Transnational Citizenship an Oxymoron?

Citizenship means many different things. When we say of someone that she is a good citizen, we mean that she contributes voluntarily to a common good, be it that of a university, a neighbourhood, a country, or humanity itself. Civic *virtues* are activated in citizenship *practices* when individuals engage in deliberations about the common good or stand up against political domination. Citizenship virtues and practices contrast with citizenship *duties*, such as paying taxes or serving in the army, that can be imposed on people by state authorities. Even more often, citizenship is invoked to claim *rights* from or against a coercive power. “Civis romanus sum!”, said Saint Paul when he claimed immunity from trial outside Rome. Frequently, citizenship is also regarded as an *identity* that members of a political community share. Civic identity grounded in subjection to the same laws and participation in their making is often contrasted with ethnic identity that refers to an imagined common descent. Finally, and perhaps most obviously, citizenship is a legal and political *status* that distinguishes members from non-members. Citizenship as status is a sorting mechanism that assigns, on the one hand, special responsibilities for individuals to states and allocates, on the other hand, individuals to states prior to any determination of their special rights and duties.

All these different interpretations of citizenship presuppose directly (for citizenship as status and identity) or indirectly (for citizenship as rights, duties, practices and virtues) a relation of membership between individuals and a collective. The idea of a transnational citizenship is therefore *prima facie* puzzling. Membership is generally a binary category. In relation to a given state or other social entity, a person can be either a citizen or a non-citizen. One may certainly question the dichotomy and suggest that there are some in-between categories of partial citizens (Spinner-Halev 1994) or semi-citizens (Cohen 2010). But what does it mean to be a trans-citizen? The puzzle becomes even stranger if one considers the term ‘*transnational*’. Modern states claim exclusive jurisdictions over distinct territories and the nation as an imagined community is always imagined as distinct from other nations (Anderson 1993). There are processes, such as international trade, that cross the borders of nation-states. But commodities have no citizenship. How can citizenship be transnational if it signifies an internal relation of membership within a nation-state (Aron 1974)?

In order to make sense of transnational citizenship we need to unpack its various elements. The term belongs to a broader family of concepts that use national citizenship as a reference but point to phenomena that do not fit the template of a singular and unique identity relation between citizens and nation-states. Multinational citizenship refers to citizenship in a polity consisting of several distinct national communities (Gagnon and Tully 2001),¹ while supranational citizenship describes individual membership and rights in a union of independent states. By contrast, postnational citizenship articulates the

idea of citizenship ‘beyond’ rather than ‘above’ the nation, i.e. a transformation through which state-based citizenship becomes dissociated from national identity altogether. It would be a mistake to think of these concepts as descriptions of distinct empirical phenomena rather than as interpretive frames that can be applied to the same political entities. For example, European Union citizenship is multinational in the sense that it is derived from member-state citizenship but also supranational in the sense of entailing rights grounded in an autonomous European legal order that are enforceable against states. Jürgen Habermas (1992), Seyla Benhabib (2004) and others have proposed a teleological interpretation of this novel construct as postnational citizenship.

Within this family of extended conceptions of citizenship, the term ‘transnational’ refers to boundary crossing practices, rights, identities and statuses. EU citizenship can serve again as an illustration. Although all nationals of a member state are citizens of the Union, the core rights associated with this status are those of free movement within the Union and non-discrimination on grounds of nationality for non-national EU citizens residing in other member states. EU citizenship is not the only empirical context to which the concept applies. In contrast to the others discussed above, transnational citizenship has been used primarily to describe border-crossing forms of membership involving otherwise unrelated states connected through international migration.

The puzzle that boundary-crossing citizenship seems to contradict the binary structure and relational character of membership can be resolved if we consider citizenship not only as an internal relation between an individual and a polity but as involving also a relation between polities. As Hannah Arendt put it, ‘[a] citizen is by definition a citizen among citizens of a country among countries’ (Arendt 1970: 81–2). This expanded relational view of citizenship suggests three possible interpretations of transnational citizenship.

A first one would read ‘trans’ as referring to individual transitions from one citizenship to another. Over time, most migrants shift their primary affiliations and practical engagements from a country of origin towards a country of settlement. In liberal democratic states, they also have opportunities to adapt their legal status accordingly by acquiring a new citizenship through naturalisation and renouncing their citizenship of origin. In this first reading, individuals can have multiple citizenship relations with different states, but only sequentially and not simultaneously. This interpretation merely suggests that the boundaries of citizenship in democratic states are not those of closed societies, whose ‘members enter it by birth and leave it by death’ (Rawls 1993: 12). Yet otherwise this transitional view of ‘transnational citizenship’ does not add much to standard conceptions of liberal citizenship and hardly requires the introduction of a special term.

A second reading points to the incongruence between territory and membership that generates transnational citizenship. States have territorial jurisdiction over all persons who reside in their territory (with the exception of diplomats who represent foreign states), but they also claim personal jurisdiction over citizens outside their territory and thus have to grant similar jurisdiction to foreign states with regard to those states’ nationals residing in their territory. A large part of the literature on transnational citizenship is exclusively concerned with phenomena of external citizenship. These include migrants’ political identities and participatory practices in their countries of origin as well as activities of migrant source countries and kin states that attempt to mobilise their

diasporas. If we adopt this focus, then the citizenship relation remains a singular and internal one between a category of people and a state and might better be called 'trans-territorial' since it refers merely to the crossing of a territorial border that cuts through an imagined nation.

Yet external citizenship is only one side of the coin. As pointed out already in the late 1980s by Tomas Hammar, the status of long-term residents in liberal democratic states, which he called 'denizenship', may be interpreted as a form of quasi-citizenship insofar as most of the traditional civil and social rights of national citizens and some of their political rights have been extended to this category of non-citizens (Hammar 1990). Hammar's insight is that international migrants who take up long term residence in democratic destination states not only cross a territorial border but also cross a membership boundary within the territory. In Hammar's analysis, access to denizenship is regulated at a third gate in between territorial and citizenship admission. Alternatively, denizenship may also be regarded as a form of quasi-citizenship that blurs the citizenship boundary through the inclusion of foreign nationals.

The combination of denizenship with external citizenship, which has become the characteristic citizenship position of international migrants in liberal democracies, illustrates the third interpretation of the concept (Bauböck 1991, 1994). This view emphasises that migrants should always be understood as being both emigrants and immigrants. If we transfer this banal but widely ignored insight from migration studies to citizenship studies we become aware, first, that migrants are simultaneously rather than sequentially engaged in citizenship relations with at least two states and, second, that the crossing of territorial borders by migrants generates also a blurring of membership boundaries.

For studying informal practices and identities of transnational citizenship, this understanding of the concept points to the need for multi-sited fieldwork and the combination of behavioural and attitudinal data gathered in different countries connected through migration flows. For the study of formal aspects of legal rights, duties and statuses, some further conceptual differentiation is needed. First, denizenship as a status of residence-based quasi-citizenship has an equivalent on the external side. Kin states with co-ethnic minorities in the near abroad, such as Hungary, and migrant sending states, such as Turkey and India, have introduced special legal statuses for categories of persons who are neither their nationals nor their residents, but to whom they still offer special benefits, such as support for cultural activities abroad as well as rights to return to the territory, to own land there, privileged access to employment and social welfare benefits and fast-track naturalisation (Caglar 2004, Fowler 2004, Brubaker and Kim 2011, Naujoks 2012). The one item that remains excluded from the package is the right to cast votes in national elections while they reside abroad.² Bauböck (2007: 2396) suggested calling such statuses 'external quasi-citizenship' or 'ethnizenship'.

Second, the most obvious illustration of transnational citizenship and of its transformative potential is the increasing toleration of dual citizenship by both the countries of migrant origin and those of settlement. This phenomenon points to another basic feature of citizenship as a relation between states. While territorial jurisdictions are mutually exclusive, personal jurisdictions based on citizenship are not. Transnational citizenship emerges thus from the discrepancy between territorial and citizenship boundaries as well as from the overlapping of the membership boundaries of different states.

Governments and international lawyers have long regarded multiple citizenship as an irregularity of the same kind as statelessness and have tried to fight it through international conventions that obliged states to revoke the citizenship of their nationals if those nationals took on another one, and to require renunciation of a foreign nationality as a condition for naturalisation.³ These efforts were thwarted by several irresistible mechanisms and trends. One was the automaticity of birthright acquisition and the combination of *ius sanguinis* for the children of emigrants with *ius soli* for the children of immigrants. A second was the recognition of gender equality in nationality law, which implied that in mixed nationality marriages, mothers as well as fathers could pass on their citizenship by descent. A third trend was the ‘transnational turn’ in sending countries in the late twentieth century, which led most of them to regard their emigrants as a resource rather than as lost populations. State efforts to strengthen ties with emigrants and diasporas made citizenship revocation in case of naturalisation abroad counter-productive. Fourth, in many liberal democratic receiving states the requirement to renounce a previous nationality as a condition for citizenship acquisition came to be seen as a major obstacle to immigrant integration. The most fundamental reason why multiple citizenship cannot be consistently avoided is, however, the basic norm in international law that states are free to determine who their citizens are. States not only exercise personal jurisdiction over their citizens residing abroad, they can even bestow their nationality on individuals who already possess the citizenship of the country where they reside, as long as there is some trace of a ‘genuine link’.⁴ International legal norms may attempt to regulate the consequences of multiple citizenship in terms of conflicting duties and rights, but they cannot prevent the proliferation of this transnational legal status in a world where millions of people take up long term residence outside their country of birth.

We can now ~~try to~~ condense these elements into a definition. Transnational citizenship is a membership relation between an individual and several independent states that is articulated through legal statuses, rights and duties, as well as informal practices and identities, and that extends across the territorial borders and nationality boundaries of the states involved.

We have seen that there is nothing paradoxical about the concept if we take into account the dual nature of state jurisdiction and consider citizenship as involving not only a singular relation between an individual and a state, but a triangular one between a person and different states connected through individuals’ multiple ties across borders.

2. A transformation of citizenship?

What is then interesting about transnational citizenship? Mainly two questions, one of which is broadly historical while the other is normative. The historical question is whether the concept merely describes a well-known and long-established set of phenomena or something genuinely new. The normative question is whether transnational citizenship is a challenge to the basic norm of equal status and rights among citizens or is instead necessary in order to maintain substantive equality between citizens whose relations with states differ from each other. I will consider the historical question in this present section and the normative question in the next one.

Has transnational citizenship transformed national citizenship? Does the concept capture historic changes in the way the citizenship relation is structured and interpreted by both states and individuals? There are three possible answers. The first one acknowledges the salience of transnational membership ties but denies that there is much that is new about them. A comparison with the great transatlantic migration from Europe to the Americas around 1900 illustrates this point. Relative to the size of state populations, the volume of international migration was probably higher then compared to today. Contrary to widespread myths about immigrant nation-building in the Americas, migrations during that period were not only one-way movements from origin to settlement. Current estimates are that about one third of the transatlantic migrants to the US before World War I returned to Europe (Keeling 2012: 201). Emigrants rarely cut themselves off completely from their countries of origin and they often imported also the politics of their home countries to the places where they settled, which triggered nativist responses among the earlier settled populations of immigrant origin (Higham 1955). Also, phenomena such as voting rights for denizens and dual citizenship are not really new. Until the 1920s, immigrants could vote in many states of the US long before they became American citizens, as long as they declared their intention to naturalise (Hayduk 2005). In the nineteenth century, European countries of origin were keen to retain their emigrants as nationals, mainly for the sake of enforcing military conscription. Dual citizenship was common but it was also a frequent source of conflict between the US and Europe and was therefore eventually curbed through a series of bilateral conventions (the so-called Bancroft Treaties).

The second answer is sceptical about the salience of transnational citizenship in historical as well as contemporary contexts. Scholars who articulate this scepticism often emphasise that the nation-state is still the most powerful actor when it comes to protecting rights and imposing duties, the most important arena for civic participation and the strongest source of political identities and loyalties. In their view, citizenship needs to be firmly anchored in the nation-state. They argue from a “realist” perspective that an emphasis on membership above, below or beyond the state is motivated by wishful thinking and risks undermining the solid state foundations required for democratic citizenship. These critics often misunderstand transnational citizenship as just another expression for postnational or cosmopolitan citizenship (Hansen 2009). However, as explained above, in all of its manifestations transnational citizenship is either generated by states reaching across territorial and membership boundaries or by individuals multiplying their political affiliations to states.

A more specific critique targets the narrow understanding of transnationalism as a relation between sending states and their emigrant populations. In this respect, Guarnizo and Smith distinguish ‘transnationalism from above’ and ‘transnationalism from below’ (Guarnizo and Smith 1998). The controversy focuses mostly on how significant and sustainable over time the latter is compared to a dominant pattern of immigrant assimilation in the host society (Waldinger and Fitzgerald 2004, Fox 2005). Transnational citizenship is here understood as an empirical claim that migrants resist assimilation by remaining attached to their countries of origin, sometimes even across generations. Those who argue for such a trend often point to the technological changes in transportation and information technology that have dramatically increased the volume of transborder

movements and that also allow long-term settled immigrants to remain well-connected to and informed about their countries of origin.

While these changes provide more opportunities for transnationalism from below, they need not influence the balance between migrants' attachments here and there. Whether or not immigration produces intergenerational diasporas does not depend on the general phenomena associated with globalisation, but on contextual factors, such as the coercive or voluntary nature of emigration, the persistence of violent conflict and oppression in a country of origin, the geographic proximity between origin and destination and the ease of circular movement between them, immigrants' opportunities and patterns of segregation in a country of settlement and the assimilatory power and attractiveness of its public culture. The concept of 'diaspora' has recently been stretched and applied to an ever wider set of phenomena (Brubaker 2005), but there is no conclusive evidence that migration today produces larger and more stable diasporas – in the traditional sense of an intergenerational population whose dominant identity is oriented towards an external homeland – than past migrations did.

What is missing in this – mostly U.S. American – debate is attention to citizenship as an institution that structures migrants' transnational opportunities and practices. In this regard, there can be little doubt that transnational citizenship has been on the rise since World War II. Most of the fundamental changes have already been listed above: in democratic receiving states the previously sharp legal boundary between aliens and citizens has become blurred through a residence-based quasi citizenship for settled immigrants. Access to citizenship status through naturalisation has become less discretionary and is more often based on legal entitlements. Even if dual citizenship is not entirely new, it is much more often tolerated. While in the past non-citizens were occasionally granted voting rights if they were nationals of an allied state or if they declared their intention to naturalise, today New Zealand, Ecuador, Chile, Uruguay and Malawi grant the franchise to non-citizen residents generally in national elections and eight American as well as fourteen European countries grant local voting rights to all residents independently of their nationality (Arrighi and Bauböck 2016). On the migrant sending side, *ius sanguinis* transmission of citizenship to subsequent generations born abroad is today more often unlimited and populations of emigrant descent enjoy much better opportunities to register themselves and their children as citizens of a distant country of origin. The trend towards toleration of dual citizenship for emigrants is even stronger than on the immigration side and contributes decisively to the prolongation of citizenship transmission *iure sanguinis* among emigrant populations. Where sending states still resist this trend, or where they want to circumvent a similar resistance in the destination states of their emigrants, they often create new legal statuses of external quasi-citizenship. Finally, the extension of national voting rights to non-resident citizens is among the strongest global trends and most remarkable recent changes of basic democratic norms.

There can thus be hardly any doubt that in the period since World War II, democratic states have frequently adapted their conceptions of citizenship to migration by expanding legal statuses and core rights of political participation beyond territorial and membership boundaries. To what extent migrants make use of these opportunities and engage in practices of transnational citizenship is an empirical question that has generated interesting research but that has not yet been conclusively answered. While some

studies find that there is a trade-off between political participation in countries of origin and settlement (Waldinger 2015) others show that those who engage politically are likely to be active in both contexts (Portes and Haller 2003).

3. Normative Questions

If democracies broadly converge in their responses towards migration by strengthening transnational citizenship rights and statuses in the ways listed above, normative theorists who are interested in non-ideal worlds should pay special attention. First, political decisions taken by liberal democratic legislatures enjoy presumptive procedural legitimacy. Theorists may find that these decisions deviate from some normative principle, but unless they grossly violate some basic norms of justice, they still qualify as valid law. Second, if democracies adopt roughly similar responses to migration, then we cannot explain these as either expressing particular national traditions or contingent outcomes of domestic political competition. Normative theory is naturally mainly concerned with norms that apply across a wide range of contexts. Processes of norm diffusion across democratic states should therefore be of great interest. Third, the transnationalisation of citizenship widens the circles of membership instead of restricting them and, according to Joseph Carens, 'citizenship policy should err on the side of inclusion' (Carens 2013: 25).

None of these reasons why normative theory should pay special attention to transnational citizenship suggests that one can derive an 'ought' from an 'is'. Sometimes citizenship norms that conflict with basic principles of justice spread across democratic states.⁵ And even if the trend is towards inclusion, this does not imply that the laws always stand up to normative scrutiny. Two critical normative questions can be raised about transnational citizenship. The first is about equality, the second about the limits and justification for inclusion.

As we have seen above, transnational citizenship brings with it a differentiation of citizenship statuses, rights and duties, as well of identities and practices. Yet equality among citizens has been generally regarded as the core norm of democratic citizenship. In T.H. Marshall's evolutionary narrative, '[d]ifferential status, associated with class, function and family, was replaced by the single uniform status of citizenship, which provided the foundation of equality on which the structure of [social] inequality could be built.' (Marshall 1949/1965: 96). In a similar vein, Michael Walzer regards citizenship as the primary social good whose equal distribution within a bounded political community secures legitimacy for complex equality in the distribution of other goods across the various spheres of justice (Walzer 1983). According to Ronald Dworkin, equality is democracy's 'sovereign virtue' (Dworkin 2000), and governments have to treat citizens with equal respect and concern (Dworkin 1977).

From these perspectives, it might seem that transnational citizenship re-introduces differential statuses that are incompatible with the core norm of equality. Several authors have suggested that some aspects of transnational citizenship should be abolished for the sake of preserving or enhancing equality of status, rights and duties. For Claudio López-Guerra (2005), all those and only those who are comprehensively subjected to the laws ought to be equally represented in their making. Emigrants should therefore lose their

franchise, while long-term foreign residents should be able to vote in national elections. Goodin and Tanasoca (2014) challenge the right of dual nationals to cast their votes in two national elections arguing that it violates the basic egalitarian norm of one-person-one-vote. Rubio-Marín (2000) accepts dual nationality but thinks that equal citizenship is so important for integrating diverse societies of immigration that denizens should not be allowed to remain foreigners and ought to be turned into citizens automatically after some time of residence.

Such egalitarian critiques normatively prefer a single uniform status of citizenship and a clear boundary between members and non-members to the inclusionary effects of blurred membership boundaries generated by dual citizenship, denizenship and external citizenship. Only a 'transient' interpretation of transnational citizenship under which international migrants change their membership but cannot combine several ones, seems to survive this egalitarian critique. The problems with transnational citizenship could be resolved in a world in which migrants automatically lose their citizenship of origin as soon as they take up permanent residence and automatically acquire the citizenship of their host country. Such a world is in fact not a fanciful utopia because it already exists inside democratic states. Internally migrating citizens lose the rights attached to residence in a municipality, including the franchise in local elections, as they settle in another part of the country and gain similar rights there.

The problem with this vision is that it fails to take seriously the conditions for citizenship in the international system of states. In this system, the links between states and citizens are not exclusively based on current residence. Individuals are attributed membership at birth and carry it with them when they move across borders. And states have special duties to provide their citizens abroad with protection and re-admission to their territory. Whether birthright and extraterritorial membership are normatively desirable or deficient depends on whether one considers the plural system of independent states as better than a world state in which current states would be downgraded to provinces. In the former, migrants have generally multiple claims to citizenship and need to be offered choices about their membership.

It seems then that we have to accept a trade-off between equality and inclusiveness of citizenship. Providing international migrants with adequate citizenship statuses and options appears to undermine the core norm of equality among citizens. This dilemma can be partly resolved if we think what it means to have equal citizenship in a constellation of independent polities. For example, the one-person-one-vote standard is not necessarily compromised if dual citizens cast their votes in two elections that determine the composition of legislatures in two independent states. In this case, each vote will be counted exactly once in each election. If the vote were instead cast in a plebiscite on a question about the relation between these states (e.g. on a free trade agreement), then dual citizens would indeed have an unfair extra vote (Kosłowski 2003:178).

More generally, a constellation perspective makes it possible to justify a two-dimensional differentiation of citizenship that reflects, on the one hand, the strength of relations between individuals and the polities in the constellation and, on the other hand, the responsibilities of states in providing special rights and enforcing special duties. On the first dimension, second and third generations born abroad cannot claim the same citizenship rights in a country of origin as first generation emigrants. Conversely, transients

and temporary migrants have weaker claims to citizenship rights and status in a host country than long-term resident foreigners and their native born children. On the second dimension, rights to diplomatic protection and return are by definition extraterritorial ones that can only be enjoyed by citizens abroad, whereas rights to social protection and duties to contribute to public goods through taxation apply generally to citizens and denizens alike. As pointed out in section 2, the most interesting development is with regard to voting rights where those in national elections are now extended to non-resident citizens in most democracies, while a significant number of European and Latin American states confer the franchise in local elections on non-citizen residents.

For assessing whether these differentiations are normatively justified, we need to develop a standard of complex rather than simple equality, to use Walzer's terminology. Such a standard must remain able to identify problematic forms of inequality and exclusion. While the citizenship claims of transnational migrants who take up long term residence abroad are rather uncontroversial, it is much harder to figure out how highly mobile temporary migrants can be equal citizens in a world that is politically divided into territorial jurisdictions of independent states. There is, on the one hand, a class of migrants who spend most of their lives working in low skilled jobs and who are either undocumented or on temporary work and residence permits. Although they are particularly vulnerable to economic exploitation and ethnic discrimination, they sometimes prefer their mobile lives to permanent settlement in the host country or permanent return to a country of origin. Applying liberal norms of equal citizenship to them therefore raises difficult dilemmas (Ottonelli and Torresi 2010, Bauböck 2011). On the other hand, there is also a privileged category of hypermobile wealthy persons who often have multiple nationalities and residences and enjoy broad freedom of movement around the world. They are full citizens in terms of their rights, but rarely in terms of their duties and responsibilities.

The problem with the latter group is, however, not only one of unequal duties. Even if they could be forced to pay fair taxes and invest their wealth in a way that benefits the other citizens of the countries whose passports they hold, there is a prior question of whether they should be offered plural citizenships in the first place. Normative debates about transnational citizenship must be concerned not only about inequality and exclusion, but also about the effects of over-inclusiveness.

Liberal theorists generally agree that democracies should not have self-determination over their membership if this results in excluding those who have strong claims to be included as equal citizens. But are democracies free to include as citizens whomever they want? How should one evaluate the practice of some states of selling their passports to investors whom they do not ask to take up residence (Dzankic 2012, Shachar and Bauböck 2014, Hirschl and Shachar 2014)? And what about those states that offer preferential access to citizenship on the basis of ethnic ancestry or the much larger number of states that do not limit the transmission of citizenship through descent to subsequent generations born abroad (Joppke 2005, Dumbrava 2014)? From a liberal perspective, offering citizenship to anybody who is interested in having it may not be inherently wrong but preferential access creates at least a problem of discrimination vis-à-vis others who have equal or stronger claims. By contrast, for republican conceptions of democracy, over-inclusiveness is bad in itself because it cheapens the intrinsic value of

citizenship and dilutes the voice of those who have a claim to participate and be represented in the self-government of the polity.

Already in the late 1980s, Iris Marion Young defended differentiated citizenship in response to multiple forms of group oppression within democratic societies (Young 1989). Political theorists have only very recently started to think how the differentiation of citizenship in transnational contexts can be reconciled with equality and how its expansion beyond territorial jurisdiction impacts on the integrity of democratic self-government. When pursuing this normative agenda, it is crucial to avoid the Scylla of ‘methodological nationalism’ (Wimmer and Glick Schiller 2002) as much as the Charybdis of ‘methodological cosmopolitanism’. Transnational citizenship can only be assessed properly from a transnational perspective that considers how individuals are linked to particular polities and how these polities are linked to each through border crossing practices and institutions.

4. Outline of the Volume

The first part of this volume brings together three classic essays representing strongly divergent views. Randolph Bourne’s prescient essay on trans-national America diagnoses the failure of the U.S. melting-pot that was meant to assimilate all immigrants into a singular national identity, but disagrees also with the cultural pluralism of his contemporary Horace Kallen, who described America as a mosaic of distinct ethnic groups (Kallen 1915). Bourne’s statement that the United States is ‘not a nationality, but a transnationality (Bourne 1916: 187) not only refers to different strands of culture that ‘merge but do not fuse’ (ibid: 183). It also signals his support for dual citizenship and ‘free and mobile passage of the immigrant between America and his native land’ (ibid: 187). Writing nearly 60 years later, Raymond Aron is puzzled by this view: ‘How could a citizen possibly belong to several political entities at once?’ (Aron 1974: 638). Aron is especially sceptical about the potential of European citizenship, which lacks a shared identity – ‘there are no such animals as “European citizens”. There are only French, German, or Italian citizens’ (ibid: 653) – and a corresponding conception of duties. More importantly for our topic, the broadening of a political entity (from the nation-state to the European Community) ‘entails a transfer, not a transformation, of citizenship rights’ (ibid: 646). Jürgen Habermas disagrees. European political integration exemplifies an emerging postnational conception of citizenship that is also evidenced by the increase of nationality-neutral laws and rights. ‘State citizenship and world citizenship form a continuum which already shows itself, at least, in outline form’ (Habermas 1992: 18).

The second part looks at the debate since the 1990s that juxtaposed a transnational perspective on immigration to the mainstream of the – mostly American – literature on immigrant assimilation from different disciplinary angles. The part starts with the seminal text by cultural anthropologists Nina Glick Schiller, Linda Basch and Cristina Blanc-Szanton in which they introduce the terms ‘transnationalism’ and ‘transmigrants’ in order to describe a social field linking countries of origin and settlement. Political theorist Seyla Benhabib, by contrast, focuses on the evolving rights of foreign residents that indicate that the boundary of ‘we the people’ has become fluid in immigrant receiv-

ing democracies. Linda Bosniak examines the same claim from a legal perspective that tries to see through a critical lens how the concept of citizenship operates, instead of prescribing a specific normative trajectory. Her cautious conclusion is that postnational views are least plausible with regard to citizenship as a legal status, more plausible with regard to certain rights that have been disconnected from that status, and most plausible with regard to transnational political activities.⁶ Comparative sociologist Christian Joppke examines the United States, Germany and the United Kingdom and diagnoses a trend towards liberalisation of citizenship laws in immigrant receiving democracies. While he sees significant change, he rejects Yasemin Soysal's influential view that liberal reforms of foreigners' rights and access to citizenship can be explained by the diffusion of international human rights norms that attach rights to personhood rather than nationality (Soysal 1994). In Joppke's account these are parallel but also significantly different changes that are driven by domestic dynamics of liberalisation. The two remaining essays in this part, by Thomas Faist and Randall Hansen, mark again opposing views in the social sciences. Faist distinguishes the meso level phenomena of transnational communities, which had been the focus of attention among anthropologists in the early 1990s, from the macro level transnationalisation of citizenship and national culture. Migrants' transnational ties build 'bridges' between societies that need to be complemented by institutional 'doors' through which persons can enter and leave. Randall Hansen's article on the 'poverty of postnationalism' is a full-blown *j'accuse*. Lumping the latter together with multiculturalism and transnationalism, Hansen argues that the proponents' anti-statism relies on doubtful empirical assumptions, is conceptually flawed and deprives emancipatory liberal agendas of solid real-world foundation provided by national citizenship.

Part three examines the debate within normative political theory and focuses on the right to vote as an institutional core of democratic citizenship. The question discussed controversially by the authors in this part of the volume has become known as the democratic boundary problem. Stated as such by Fredrick Whelan (Whelan 1983) and Robert Dahl (Dahl 1989), the problem is whether democracies can establish their own boundaries of membership through democratic decision. Claudio López-Guerra relies on Dahl's view that democracies must enfranchise all subjected to the laws except minors and transients when he argues against the extension of voting rights to non-resident citizens. In an influential paper,⁷ Robert Goodin picks up another element in Dahl's discussion that refers instead to the 'inclusion of all affected interests'. Goodin proposes that "[m]embership in the demos ought to extend to every interest that would probably be affected by any possible decision arising out of any possible agenda" (Goodin 2007: 61–2), which implies that the only legitimate demos is a global one. Both López-Guerra's and Goodin's theories leave no normative space for transnational citizenship, the former by collapsing citizenship with residence in a territorial jurisdiction, the latter by challenging the legitimacy of all particularistic boundaries of democratic membership. Sofia Näsström turns to the history of political ideas to show that the democratic boundary problem has been present since early modern social contract theory. Instead of regarding it as an irresolvable paradox that forces us to accept the legitimacy of historically contingent boundaries, she shifts the focus towards democratic contingency, which keeps the boundaries open for challenges by non-members.⁸ While this argument may provide

some support to transnational citizenship as a practice of claims-making by refugees and migrants, it does not yield a clear standard for assessing the legitimacy of transnational citizenship as an institutionalised status and set of rights and duties. The last two articles in this part address this latter aspect. David Owen's text discusses two problems: whether naturalisation should be voluntary or automatic and whether expatriate voting rights are normatively required or just permissible. On the first question, Owen suggests distinguishing between mandatory acquisition of political membership and voluntary acquisition of national citizenship. On the second he proposes that non-resident citizens must at least be included in the demos that decides on matters concerning their citizenship status or voting rights. Rainer Bauböck's article proposes that the principles of including all affected interests, all subjected to coercion and all citizenship stakeholders have been misconstrued as alternative responses to the democratic boundary problem. He suggests that the first two respond to inclusion claims with regard to policy deliberation and protection of rights respectively, whereas the last applies to membership status and voting rights. Bauböck then contextualises his stakeholder account by suggesting that it supports birthright citizenship in states, but residence-based citizenship at the local level.

Part four selects three articles from the broad literature on 'transnationalism from below'. In their introduction to a special issue of *Ethnic and Racial Studies*, Alejandro Portes, Luis Guarnizo and Patricia Landolt define and delimit migrant transnationalism as referring to economic, political and socio-cultural activities of individuals 'that require regular and sustained social contact over time across national borders' (Guarnizo, Portes, and Landolt 1999: 219). The authors call for a study of empirically contemporary conditions under which such transnationalism is likely to wax or wane, instead of postulating its existence. Peggy Levitt's article reasserts that transnational social fields emerge through individual activities as well as those of institutions that constrain or enable these. Her text combines a synthetic account of research on individual's everyday transnational practices with a focus on the transnational activities of states, parties and hometown organisations. Roger Waldinger and David Fitzgerald criticise the dichotomy between assimilation and transnationalism, which they see as intertwined processes rather than as social theories. In their view, research on transnationalism is often not sufficiently attentive to nation-state based processes that try to contain the societal impact of international migration.

The articles in the concluding part follow the advice to bring the state back into transnationalism, but look at policies through which states themselves generate transnational statuses and rights, which sometimes bring them into conflict with the interests of other states. Peter Spiro examines the global trend towards toleration of dual citizenship from a normative international law perspective, arguing that the threats that once justified states' restrictions on multiple nationality have largely dissipated. Spiro makes the novel claim that it is time to elevate dual citizenship to a human right grounded in associative freedom (between individuals and states) and self-government and political participation rights (which are jeopardised if receiving states demand renunciation as a condition for naturalisation). The last two articles shift the focus towards efforts by states to use transnational citizenship as a tool for nation-building beyond their territory. Brigid Fowler examines the Hungarian Status Law of 2001 that created an external 'fuzzy citizenship' for co-ethnic populations in the near abroad. It is worth mentioning here that the

Hungarian government has recently completed this process by offering these kin minorities full dual citizenship and voting rights. Rogers Brubaker and Jaeun Kim compare policies of constructing transborder populations in Germany and Korea since World War II. They point out that such populations are not simply given and clearly identifiable, as they seem to be when people move across borders and when borders move across people. Instead, states create their transborder populations within particular geopolitical and historical circumstances and retain the power to disconnect themselves from these groups when conditions change.

The concluding part thus highlights the need to study transnationalism not only from below but also from above. It also shows that transnationalism is not per se progressive or regressive. It is neither a harbinger of a postnational transformation of the state system or a mere manifestation of long-distance ethnic nationalism. One should study transnational citizenship empirically by looking at the conditions under which it emerges and at its transformative impact on state-based membership. And one should study it normatively with an equally open mind by examining how democratic norms of equality and inclusion apply in contexts where citizenship is no longer a singular tie between an individual and a state.

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Notes

- 1 Michael Keating suggests instead the term ‘plurinational’ ‘in order to express the plurality not merely of nations, but of conceptions of nationality itself’ (Keating 2001: x).
- 2 The converse status of residence-based quasi-citizenship generally does not include national voting rights for non-citizen resident either.
- 3 See e.g. the 1963 Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality, Council of Europe, Treaty Series (CETS) 043.

- 4 The 'genuine link' constraint on attribution of citizenship to non-residents was introduced in the *Nottebohm* judgment of the International Court of Justice (*Liechtenstein v. Guatemala*, ICJ 1955). Its scope and interpretation is still controversial (Sloane 2009).
- 5 David Fitzgerald and David Cook-Martin (2014) demonstrate how racist criteria for immigrant inclusion and selection spread from the US to other American states since 1790.
- 6 For a full version of Bosniak's article see (Bosniak 2000).
- 7 See similarly Abizadeh (2008) who argues that immigration control involves coercion for which democratic legitimacy depends on the representation of excluded migrants in deciding on the policy.