

BOOK REVIEW

AYELET SHACHAR, RAINER BAUBÖCK, IRENE BLOEMRAAD, AND
MAARTEN VINK (EDS), *THE OXFORD HANDBOOK OF CITIZENSHIP*
(OXFORD UNIVERSITY PRESS 2017)

Timothy Jacob-Owens*

40 years ago, Herman van Gunsteren wrote that 'the concept of citizenship has gone out of fashion'.¹ Now, as the editors of *The Oxford Handbook of Citizenship* observe, it is 'back with a vengeance': in spite of predictions to the contrary, the concept of citizenship occupies a prominent position in both political and academic discourse today.² Indeed, questions concerning the role and meaning of citizenship underpin many of the most salient issues in current public debate, among them economic globalisation, migration, and counter-terrorism. The past couple of decades have thus witnessed a 'renaissance' in academic scholarship on the topic.³ Hence, while some had imagined that it would be confined to the 'dustbin of the history of ideas', the editors of this *Handbook* are confident that citizenship will continue to be a 'core organizing principle and political and moral ideal' for decades to come.⁴ In producing the *Handbook*, their aim was to explore the extent to which

* Doctoral researcher, Department of Law, European University Institute.

¹ Herman van Gunsteren, 'Notes towards a Theory of Citizenship' in Fred Dallmayr (ed), *From Contract to Community: Political Theory at the Crossroads* (Dekker 1978) 9.

² Ayelet Shachar, Rainer Bauböck, Irene Bloemraad and Maarten Vink, 'Introduction: Citizenship – *Quo Vadis?*' in Ayelet Shachar, Rainer Bauböck, Irene Bloemraad and Maarten Vink (eds), *The Oxford Handbook of Citizenship* (Oxford University Press 2017) 3. See also Catherine Dauvergne, 'Citizenship with a Vengeance' (2007) 8 *Theoretical Inquiries in Law* 489.

³ Shachar et al. (n 2) 4. A survey of the earlier literature is presented in Will Kymlicka and Wayne Norman, 'The Return of the Citizen: A Survey of Recent Work on Citizenship Theory' (1994) 104 *Ethics* 352.

⁴ Shachar et al. (n 2) 11.

citizenship can still provide political legitimacy in today's world of 'exploding social inequalities and dire human need for protection and belonging'.⁵

The Oxford Handbook of Citizenship is not the first edited volume devoted to the topic. In comparison to other similar volumes, this *Handbook* is rather Western-centric, as underlined by the inclusion of a single chapter devoted to citizenship in 'non-Western contexts' (Erin Aeran Chung).⁶ The *Routledge Handbook of Global Citizenship Studies*, by contrast, includes a total of 10 chapters on citizenship in Asia and nine on Africa.⁷ On the other hand, while other comparable volumes have typically been restricted to social science perspectives, *The Oxford Handbook of Citizenship* encompasses an impressively broad range of scholarly fields, including not only political science and sociology, but also law, economics, philosophy, and geography.⁸ The list of contributors includes some of the most high-profile and authoritative scholars working on citizenship today, among them Will Kymlicka, Jo Shaw, and Christian Joppke. In addition, this *Handbook* is not intended only as a reference work; rather, the editors hope that it will establish a new research agenda for both empirical and theoretical enquiries on the topic of citizenship, with a particular emphasis on interdisciplinary and comparative approaches.⁹ The authors vary in the extent to which they engage meaningfully with this task, but many of the contributions nonetheless contain helpful and relevant suggestions for future research.

The Oxford Handbook of Citizenship contains a total of 36 substantive chapters, which are grouped under five headings. The first of these groups, 'Approaches and Perspectives', lays the broad conceptual groundwork for the

⁵ Ibid.

⁶ Erin Aeran Chung, 'Citizenship in Non-Western Contexts' in Shachar et al. (n 2) 431. In addition, Christian Joppke's contribution includes a fairly superficial comparison of citizenship regimes in immigrant-receiving Western and Gulf states. See Christian Joppke, 'Citizenship in Immigration States' in Shachar et al. (n 2) 385.

⁷ Engin F. Isin and Peter Nyers (eds), *Routledge Handbook of Global Citizenship Studies* (Routledge 2014).

⁸ See, for example, Engin F. Isin and Bryan S. Turner (eds), *Handbook of Citizenship Studies* (Sage 2002), Hein-Anton van der Heijden (ed), *Handbook of Political Citizenship and Social Movements* (Edward Elgar 2014), and Ian Davies et al. (eds), *The Palgrave Handbook of Global Citizenship and Education* (Palgrave Macmillan 2018).

⁹ See Shachar et al. (n 2) 5, 7.

remainder of the volume, combining accounts of traditional conceptions of citizenship, such as those of ancient Athens and Rome (Ryan K. Balot), with more cutting-edge perspectives, including feminism and queer theory (Leti Volpp) and postcolonialism (Kamal Sadiq). The three subsequent sections – 'Membership and Rights', 'Context and Practice', 'Membership in the State and Beyond' – cover a wide range of themes relating to the theory and practice of citizenship, from indigenous groups (Kirsty Gover) to transnationalism and extra-territoriality (Michael Collyer). The final group of chapters, addressing 'Tomorrow's Challenges', is the *Handbook's* most innovative and includes contributions on such topical issues as digitisation and biotechnology (Costica Dumbrava), quasi-citizens (Rogers M. Smith), and the commodification of citizenship (Ayelet Shachar).

Given the limited space available and in view of this journal's disciplinary orientation, the present review highlights a selection of the *Handbook's* chapters which are likely to have the broadest appeal among legal scholars: Jo Shaw's contribution on citizenship and political rights, David Owen's exploration of citizenship and human rights, Liav Orgad's survey of naturalisation law and policy, and Cathryn Costello's chapter on refugeehood and citizenship. These chapters have been selected as illustrative examples of the scope and quality of the contributions to the *Handbook*. They are, with one exception, written by lawyers, they combine both conceptual and empirical insights, and all address key topics relating to the intersection between law and citizenship.

Jo Shaw's insightful contribution explores the conceptual, legal and historical dimensions of the relationship between citizenship and the franchise, the 'legal articulation of political membership'.¹⁰ Citing a number of international instruments, as well as judgements of the European Court of Justice and the European Court of Human Rights, Shaw points to the development of a consensus within international law in favour of the right to vote in democratic elections. At the domestic level, the legislative trend of widening access to the franchise for persons with mental disabilities is mentioned as an example of the 'effective international diffusion of norms'.¹¹

¹⁰ Jo Shaw, 'Citizenship and the Franchise' in Shachar et al. (n 2) 291.

¹¹ Ibid. 300. See the case of *Alajos Kiss v. Hungary* App no 38832/06 (ECtHR, 20 May 2010). On the normative dimensions of this issue see Sue Donaldson and Will

In discussing voting rights for non-citizens, Shaw highlights the right to vote in local elections for resident non-national citizens of the European Union (EU) as the best-known example of 'alien suffrage', with other special arrangements in certain states existing on the basis of 'historic ties'.¹² In this regard, the United Kingdom's so-called Brexit referendum of 2016, in which Irish and Commonwealth citizens were permitted to vote but resident EU citizens and UK citizens not resident in the UK for more than fifteen years were excluded, is a particularly interesting case and also provides a counter-example to Shaw's general observation that 'non-resident citizens seem to have gained greater traction on the body politic in terms of the argument for widening the suffrage'.¹³

In his chapter on citizenship and human rights, David Owen demonstrates that the idea of a human right to *national* citizenship, as membership of a state, can be supported from a broad range of normative perspectives. He further argues that while a human right to *democratic* citizenship, as equal participation in a political society, is a more controversial notion, a human right to 'democratisation', defined as resistance to unequal and undemocratic forms of government, may be derived from the right to collective self-determination.¹⁴ Owen's focus is on human rights as moral-political rights, rather than entitlements enshrined in positive law; those with an interest in more substantive legal issues would thus be better served elsewhere. For example, no mention is made of the idea that the increasing proliferation of rights through the international human rights regime is eroding, or at least rendering obsolete, the rights content of national citizenship.¹⁵ Nonetheless, this remains a theoretically rich and thought-provoking contribution, particularly notable for Owen's ability to maintain a coherent line of argument while exposing the reader to a wide range of different (and

Kymlicka, 'Inclusive Citizenship Beyond the Capacity Contract' in Shachar et al. (n 2) 838.

¹² Shaw (n 10) 302–3.

¹³ Ibid 296.

¹⁴ See also Rainer Forst, 'The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach' (2010) 120 *Ethics* 711, 730.

¹⁵ See, for example, Gershon Shafir and Alison Brysk 'The Globalization of Rights: From Citizenship to Human Rights' (2006) 10 *Citizenship Studies* 275. See also Bryan S. Turner, 'The Erosion of Citizenship' (2001) 52 *British Journal of Sociology* 189.

opposing) theoretical perspectives.¹⁶ In the latter part of his chapter, Owen reflects on the interplay between citizenship and the (international) politics of human rights. While acknowledging the sometimes disingenuous practice of states vis-à-vis the ratification and implementation of international human rights treaties, he argues that human rights can have a positive impact in mobilising citizens 'to engage in civic acts of rights claiming' and in protecting and empowering non-citizens to contest their exclusion from civic membership.¹⁷

Liav Orgad presents an admirably concise exposition of the principal functions of and current trends in naturalisation law and policy, as well as conceptual and utilitarian approaches to assessing the ethics of naturalisation. He identifies three key developments in the contemporary (Western) concept of naturalisation: firstly, a legal trend towards increasing regulation of citizenship acquisition by international and, in Europe, EU law; secondly, an 'economic turn', whereby citizenship 'is becoming a tradable asset in the global market economy'; and, finally, a liberalisation in access to citizenship accompanied by a restrictive cultural turn, as evinced by the increasing prevalence of citizenship tests, integration contracts, and language requirements, among other similar measures.¹⁸ As in some of the other contributions to the *Handbook*, Orgad points to a range of possible normative

¹⁶ Owen's contribution incorporates two major approaches to theorising human rights: a 'humanity-based' approach and a 'political' approach. The first of these is grounded on the idea that human rights are held by persons by virtue of some aspect of their 'humanness', such as their capabilities or basic needs. See, for example, Martha Nussbaum, 'Capabilities and Human Rights' (1997) 66 *Fordham Law Review* 273 and David Miller, *National Responsibility and Global Justice* (Oxford University Press 2008). The second approach treats human rights as 'a public political doctrine or practice designed to specify conditions of membership of global political society'. See David Owen, 'Citizenship and Human Rights' in Shachar et al. (n 2) 249. This latter approach includes the Rawlsian global public reason and Habermasian discourse ethics accounts. See John Rawls, *The Law of Peoples* (Harvard University Press 1999) and Jürgen Habermas, *Between Fact and Norm* (Polity Press 1996).

¹⁷ Owen (n 16) 258. Here, mention could perhaps usefully have been made of the notion of 'rights-talk' as a legalistic vocabulary used by states to serve political ends rather than to address genuine human suffering. See, for example, Martti Koskeniemi, *The Politics of International Law* (Hart Publishing 2011).

¹⁸ Liav Orgad, 'Naturalization' in Shachar et al. (n 2) 350.

perspectives on the various issues raised in his chapter, steering clear of 'taking sides' himself. While this is understandable given the nature of the volume, the contribution might have been enriched by greater inclusion of the author's own personal standpoint, particularly in view of the strong normative stance in favour of 'cultural defense policies' and 'majority rights' he has defended elsewhere.¹⁹

Finally, in her chapter 'On Refugeehood and Citizenship', Cathryn Costello cogently examines the role of citizenship within the international refugee protection system, primarily under the 1951 Convention Relating to the Status of Refugees (hereinafter 'the Refugee Convention'). Costello characterises the post-Cold War global refugee regime as one of 'containment rather than cooperation to offer protection' and points out the largely restrictive role played by national citizenship in the determination of refugee status.²⁰ She also exposes a number of flaws in the solutions envisaged by the international regime, among them the fact that the political blocking of local integration and, in particular, of naturalisation has become the 'hallmark of protracted refugee situations'.²¹ In the conclusion to her chapter, Costello alludes to another possible solution, namely global citizenship. As Costello observes, 'world citizenship' was proposed as a response to statelessness during the development of the Refugee Convention, though the idea was ultimately rejected by the International Refugee Organisation.²² Very recently, Liav Orgad has suggested that the development of a form of global citizenship under international law, implemented using blockchain technology, could help to address a number of key global challenges, including refugeehood.²³ Proposals of this sort are not, however, without

¹⁹ See Liav Orgad, *The Cultural Defense of Nations: A Liberal Theory of Majority Rights* (Oxford University Press 2015).

²⁰ Cathryn Costello, 'On Refugeehood and Citizenship' in Shachar et al. (n 2) 735.

²¹ Ibid 734.

²² Ibid 736. At that time, prominent proponents of world citizenship included Bernard Shaw, Albert Einstein and Bertrand Russel. See Peter Gatrell, *The Making of the Modern Refugee* (Oxford University Press 2013).

²³ Liav Orgad, 'Cloud Communities: The Dawn of Global Citizenship?' in Liav Orgad and Rainer Bauböck (eds), 'Cloud Communities: The Dawn of Global Citizenship?' (2018) EUI Working Paper RSCAS 2018/28, <http://cadmus.eui.eu/bitstream/handle/1814/55464/RSCAS_2018_28.pdf?sequence=1&isAllowed=y> accessed 26 July 2018.

their opponents, as illustrated by British prime minister Theresa May's recent statement that 'if you believe you're a citizen of the world, you're a citizen of nowhere'.²⁴ Global citizenship thus remains a relevant but contentious ideal today. Given the ongoing discussions concerning its normative desirability and practical implementation, it is a pity that the notion of global citizenship remains largely unexplored in Costello's otherwise comprehensive contribution.

The chapters surveyed above are representative of the contributions to *The Oxford Handbook of Citizenship*, which are consistently concise and well-written and provide helpful references for further reading, as well as some thought-provoking reflections on possible directions for future research. While those already familiar with the topics covered might wish for greater depth in places, the book is undoubtedly a valuable reference work and will appeal to anyone with an interest in citizenship, irrespective of their disciplinary and methodological orientation. Indeed, it is the diversity of disciplinary perspectives and the combination of both theoretical and empirical approaches that sets *The Oxford Handbook of Citizenship* apart from other comparable volumes. Overall, the *Handbook* provides a wide-ranging and accessible overview of the key themes and current debates on the topic of citizenship. The editors are to be commended for a timely and informative addition to the literature.

²⁴ See Matthew Grant, 'Citizen of the World'? Think again: British Citizenship after Brexit' (Democratic Audit UK, 21 November 2016) <<http://www.democraticaudit.com/2016/11/21/citizen-of-the-world-think-again-british-citizenship-after-brexit/>> accessed 15 August 2018. See also the responses to Orgad in Orgad and Bauböck (n 23).