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Marc Morje Howard

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Introduction

The state is a compound made of citizens; and this compels us to consider who should properly be called a citizen and what a citizen really is. The nature of citizenship, like that of the state, is a question which is often disputed: there is no general agreement on a single definition: the man who is a citizen in a democracy is often not one in an oligarchy.

– Aristotle¹

Although Aristotle's quotation was written more than 2,350 years ago, it raises questions about citizenship that are still relevant today. Indeed, over the course of the last two millennia (and especially the past 50 years), scholars have focused much more on the state than on citizenship. Even leaving aside modern-day oligarchies, and just focusing on liberal democracies, Aristotle's questions appear timely within the recent context of globalization, large-scale migration, and the decline of many elements of nation-state sovereignty. Given the extent of variation within contemporary democracies, one could perhaps simply rephrase the last clause in the above quotation as follows: "the person who is a citizen in one democracy is often not a citizen in another." But to what extent, and for what reasons, is this the case? And what are the implications for immigrant integration, national identity, and democratic politics in the modern era?

This book addresses these questions with a careful empirical study of the citizenship policies of the fifteen "older" member-states of the European Union (EU). This set of countries constitutes a relatively coherent entity, facing similar pressures of immigration and globalization within the common framework of the EU and its institutional and juridical "harmonization."

¹ Aristotle, *The Politics of Aristotle*, edited and translated by Ernest Barker (London: Oxford University Press, 1941), pp. 1247b–75a.

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The EU therefore provides a useful “laboratory” for analysis, since its member-states span a remarkably wide range of variation. For example, countries such as Belgium or the United Kingdom have long been among the most liberal in the world, whereas Austria and Denmark remain staunchly restrictive, and Finland and Germany were once quite restrictive but have recently liberalized considerably. In other words, a careful examination of the EU countries provides for contrast and variation within a relatively similar set of cases, thus allowing for more “controlled” comparisons than would be possible by looking at the entire world.

The starting point for these comparisons is an “empirical baseline” of citizenship policies across EU countries, based on an innovative yet straightforward measure that captures the core features of otherwise very complex laws. The empirical analysis and theoretical arguments of the book cover two distinct time periods, leading to two different social science “puzzles.” First, I explore the issue of *historical variation* in the citizenship policies of the EU-15, and I attempt to explain why four of the countries developed what can be considered “historically liberal” policies. Second, I investigate the question of *contemporary continuity and change* by explaining why, of the eleven historically restrictive countries, six have liberalized their citizenship policies since the 1990s, whereas the other five remain restrictive.

Each of these puzzles leads to a different explanatory argument. In accounting for the historical variation, I argue that two experiences were critical: whether or not a country had a prior experience as a colonial power, and whether it became a democracy in the nineteenth century. And to explain the relative continuity or change over the last few decades, I argue that while various international and domestic pressures have led to liberalization in a number of countries, it usually occurred in the absence of public discussion and popular involvement. In contrast, when public opinion becomes mobilized and engaged – usually by a well-organized far right party, but also sometimes by a referendum or petition campaign – on issues related to citizenship reform, liberalization is usually blocked.

Methodologically, the book uses a research design that includes both medium-N cross-national analysis and more in-depth case studies. This allows for the combination of broad theoretical and empirical inquiry and focused attention to the particularities and idiosyncrasies of individual countries. The findings are therefore based on several different types of evidence, thus supporting conclusions that are more powerful and persuasive than could be achieved by either method alone.

The remainder of this Introduction briefly lays out and justifies my definition and application of the concept of citizenship, provides an

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argument for the importance of national citizenship even in the current era of globalization, and then summarizes the organization of the book and the individual chapters.

WHAT IS CITIZENSHIP?

What exactly is citizenship, and what does it entail? On the most basic level, citizenship bestows upon individuals membership in a “national political community.”² In liberal democracies, it gives them the right to vote, to run for office, and to participate freely in public activities, while also requiring the obligation of paying taxes and possibly serving in the military. In terms of the larger international community, citizenship serves as what Rogers Brubaker calls “a powerful instrument of social closure,”³ in two respects. First, the boundary of citizenship allows rich states to draw a line that separates its citizens from potential immigrants from poor countries. Second, it allows states to create internal boundaries that separate citizens from foreign residents, by associating certain rights and privileges with national citizenship.⁴

Citizenship therefore evokes a fundamental paradox within liberal democracies, which Seyla Benhabib has labeled “the paradox of democratic legitimacy.”⁵ In essence, the paradox is that liberal democracies are, in Brubaker’s terms, “internally inclusive” while remaining “externally exclusive.”⁶ This is because liberal democracies are based on the universal language of fundamental human rights, along with the free association and participation of “the people,” yet they also delineate clear and enforceable borders. This refers not only to territorial limits, but also to the *boundaries* of political membership. Determining who is included in the concept of “the people” also implies at least an implicit understanding of who is excluded.⁷

² See Reinhard Bendix, *Nation-Building and Citizenship: Studies of Our Changing Social Order* (Berkeley: University of California Press, 1977); Evan S. Lieberman, *Race and Regionalism in the Politics of Taxation in Brazil and South Africa* (New York: Cambridge University Press, 2003), pp. 12–14.

³ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), p. x.

⁴ See also John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000), pp. 154–157.

⁵ Seyla Benhabib, “Transformations of Citizenship: The Case of Contemporary Europe,” *Government and Opposition* 37, no. 4 (2002): 449–453.

⁶ Brubaker, *Citizenship and Nationhood in France and Germany*, p. 21.

⁷ Historically, of course, many groups – women, slaves, non-Christians, nonproperty owners, and others who would fit Kant’s category of “mere auxiliaries to the commonwealth” – have

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My understanding and use of citizenship in this book follow from this appreciation of the critical distinction between citizens and foreigners. My approach treats citizenship as a *legal* category, and I focus on the formal requirements for having access to citizenship, rather than on the rights, obligations, beliefs, or practices of citizens. Although such a juridical application of citizenship also has tremendous social ramifications, of course, restricting the concept in this way provides a more focused and grounded definition, while staying true to the theoretical and empirical debates that started with Aristotle. Given that this project includes a systematic empirical study – based on clear measurements and comparisons – I have intentionally not expanded my conception of citizenship to include the more general concepts of civil society, social capital, or state-society relations, even though I realize that others sometimes use the term “citizenship” to apply to these broader concepts.

Although citizenship as I have defined it here is the most basic and fundamental starting point of a democratic polity, it has been more commonly studied within the field of political theory, where it has been a flourishing theme over the past decade.⁸ But few studies to date involve systematic comparative analysis based on a common set of measurements and criteria.⁹ Compared with such topics as political institutions, the

been excluded from citizenship in democracies. See Immanuel Kant, *The Metaphysics of Morals*, translated by M. Gregor (Cambridge: Cambridge University Press, 1996 [1797]), p. 92 (cited by Benhabib, “Transformations of Citizenship,” pp. 451–452).

⁸ See, e.g., Seyla Benhabib, *Transformations of Citizenship: Dilemmas of the Nation-State in the Era of Globalization* (Amsterdam: Van Gorcum, 2001); Seyla Benhabib, “Political Theory and Political Membership in a Changing World,” in *Political Science: State of the Discipline*, edited by Ira Katznelson and Helen V. Milner (New York: W. W. Norton, 2002), pp. 404–432; Benhabib, “Transformations of Citizenship,” pp. 439–465; Ronald Beiner, ed., *Theorizing Citizenship* (Albany: State University of New York Press, 1995); Joseph Carens, “Aliens and Citizens: The Case for Open Borders,” in *Theorizing Citizenship*, edited by Ronald Beiner (Albany: State University of New York Press, 1995), pp. 229–255; Will Kymlicka and Wayne Norman, eds., *Citizenship in Diverse Societies* (Oxford: Oxford University Press, 2000); and David Miller, *Citizenship and National Identity* (Cambridge, U.K.: Polity Press, 2000).

⁹ For some exceptions, and valuable steps in this direction, see Dilek Cinar, “From Aliens to Citizens: A Comparative Analysis of Rules of Transition,” in *From Aliens to Citizens: Redefining the Status of Immigrants in Europe*, edited by Rainer Bauböck (Aldershot, U.K.: Avebury, 1994), pp. 49–72; Jeffrey Herbst, *States and Power in Africa* (Princeton: Princeton University Press, 2000); Rey Koslowski, *Migrants and Citizens: Demographic Change in the European State System* (Ithaca: Cornell University Press, 2000); and Patrick Weil, “Access to Citizenship: A Comparison of Twenty-Five Nationality Laws,” in *Citizenship Today: Global Perspectives and Practices*, edited by T. Alexander Aleinikoff and Douglas Klusmeyer (Washington, D.C.: Carnegie Endowment for International Peace, 2001), pp. 17–35.

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welfare state, public opinion, and civil society – all of which have spawned multitudes of careful studies across a broad set of countries – the empirical and theoretical dynamics surrounding citizenship in a broad, cross-national perspective remain vague and poorly understood. As a result, despite its ancient and distinguished theoretical heritage, the comparative study of citizenship is still in its relative infancy. With this book, I therefore hope to contribute to this growing field and to help integrate this vital and timely topic into more mainstream comparative debates.

WHY NATIONAL CITIZENSHIP MATTERS

In his seminal work on citizenship, T. H. Marshall developed a model based on the experience of industrialization and the emergence of democracy.¹⁰ Marshall argued that the extension of rights and benefits go in a specific historical sequence as democracy develops and expands, starting with basic *civil rights* (freedom of conscience, protection of property, and some associational liberties), leading eventually to *political rights* (to vote, to hold office, to speak and to associate freely), and finally culminating in *social rights* (to form labor unions and eventually to receive the many social benefits that welfare states provide). The argument is compelling, and it fits the historical experience of the United Kingdom – and to some extent Western Europe in general – quite well.

In recent decades, however, the development and establishment of the welfare state has created a new logic that is quite different from Marshall's historical account. In most liberal democracies today, wide-ranging civil *and* social rights are extended to almost all workers and legal residents, even if they are not citizens and therefore do not have political rights. In other words, political rights are no longer a prerequisite for social rights. Moreover, in an increasing number of places in both Western Europe and North America, noncitizens are being granted local or regional – but not national – voting rights.¹¹ At the same time as this *subnational* political participation has been expanding, citizens of countries that are members of the *supranational* EU can now choose to vote in European elections in their EU country of residence, rather than their country of origin.

¹⁰ T. H. Marshall, *Citizenship and Social Class* (London: Cambridge University Press, 1950).

¹¹ For a list of countries and regions that allow different forms of franchise for noncitizens, see T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, D.C.: Carnegie Endowment for International Peace, 2002), pp. 48–49.

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While Marshall's historical progression may no longer apply to the contemporary situation, many scholars agree with his normative conclusions concerning social rights as the ultimate priority and objective. This has, in turn, led some to proclaim the current or impending empirical irrelevance of citizenship in the nation-state.¹² According to this argument, since social rights can now be achieved without political rights, and since an increasing number of political rights are now available on the sub-national and supra-national level, national citizenship no longer matters. In short, this type of argument places great emphasis on the recent emergence of transnational and "postnational" norms based on individual human rights, which undermine the previously dominant system of nation-states.

For a number of reasons, however, I argue that it is far too early to dismiss the relevance of the nation-state and national citizenship. And this is even the case in the EU – where the broader umbrella of "European citizenship" entitles citizens of any EU member state to have a vast set of rights and privileges across the territory of the Union – since EU citizenship is itself strictly derivative of national citizenship. As a result, "third-country nationals" (people who are not citizens of an EU country) still face a number of limitations on their rights and opportunities, and the citizen versus noncitizen distinction therefore remains very important to them and to the society in which they live.

First, the right to vote and to run for office in national elections is still extremely consequential, in all countries. Noncitizens, even if they are permanent residents and longtime workers, have no opportunity to participate in the democratic process on the national level. And since citizenship, immigration, and asylum policies are generally implemented on the national level, this means that noncitizens are excluded from taking part in decisions that may directly affect their own lives.

Second, despite exaggerated claims that social rights are guaranteed to all, regardless of national citizenship, in many countries noncitizens are still excluded from significant social benefits. For example, five of the nine provinces in Austria do not provide their social assistance programs to people who are not citizens of Austria or another EU country. Many other countries place significant restrictions on the rights granted to new immigrants, particularly third-country nationals, who often receive lower benefits and in

¹² See, e.g., Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996); David Jacobson, *Rights across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press, 1996); Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994).

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many cases are barred from noncontributory social programs for a certain number of years after arrival.¹³ In short, while the modern welfare state undoubtedly provides greater benefits to immigrants than did nation-states at earlier points in history, noncitizens receive significantly fewer social rights than do people with national citizenship.

Third, although citizenship is generally less relevant for most private-sector employment,¹⁴ it is still very important in the allocation of public sector jobs. For example, France accepts only French or EU citizens in railway, postal, and hospital jobs; in Germany, government service employment in such areas as public transportation and education is restricted to German or EU citizens; and to cite a non-European case, the U.S. government can restrict such postings as public school teachers, state troopers, and probation officers to American citizens.¹⁵ Within the EU itself, it should be added that, while citizens of an EU country automatically have the right to live and work in another EU country, third-country nationals have more limited rights of movement.¹⁶ In other words, noncitizens face *de facto* restrictions on their labor mobility that EU citizens do not.

A fourth reason why national citizenship is still quite significant has to do with the eventual integration of immigrants into the host society. Many scholars have argued that immigrants who become naturalized citizens are likely to become much more integrated in their new country than those who remain noncitizen residents, or “denizens.”¹⁷ Although more

¹³ Aleinikoff and Klusmeyer, *Citizenship Policies for an Age of Migration*, pp. 67–68.

¹⁴ Nonetheless, discrimination against noncitizens in private employment is not unheard of, and immigrants are generally in less secure positions than citizens. Moreover, family members of immigrants are often excluded from working altogether, even in the private sector, for a certain number of years (e.g., four to eight years in Austria). See *ibid.*, pp. 67–68.

¹⁵ *Ibid.*, pp. 71–72.

¹⁶ Until the 1999 European Council meeting in Tampere, third-country nationals could generally only reside and work in the country into which they had immigrated. Since that meeting, third-country nationals who live in an EU member state that participates in the Schengen Agreement – thus excluding the United Kingdom, Ireland, and Denmark – have the right to free movement after a minimum of five years of legal residence, upon acquiring a “Long-Term Residency (EC) Card.” But the implementation of this EU directive has been contested and problematic in many states. See Sonja Boelaert-Suominen, “Non-EU Nationals and Council Directive 2003/109/EC on the Status of Third-Country Nationals Who Are Long-Term Residents: Five Paces Forward and Possibly Three Paces Back,” *Common Market Law Review* 42, no. 4 (2005): 1011–1052.

¹⁷ For arguments and evidence about the positive effect of naturalization on immigrant integration, see Randall Hansen, “A European Citizenship or a Europe of Citizens? Third Country Nationals in the EU,” *Journal of Ethnic and Migration Studies* 24, no. 4 (1998): 751–768; Aleinikoff and Klusmeyer, *Citizenship Policies for an Age of Migration*; and Bernt Bratsberg, James F. Ragan, and Zafar M. Nasir, “The Effect of Naturalization

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empirical research on these questions is still needed, it is logical to assume that naturalized citizens will tend to have better command of the national language, to experience more loyalty to the new country, to be relatively accepted by their fellow citizens, and of course to enjoy some protections that are available only to citizens, such as the right not to be deported. In other words, while there is considerable variability across groups and countries, citizenship acquisition can serve as a rough measure of integration, and the different possibilities to acquire citizenship will have lasting implications for the long-term integration of immigrants.

A final, and much more practical and policy-oriented, dilemma facing the advanced industrialized world – and EU countries in particular – has to do with demographics. European countries have among the lowest birth rates in the world, and they desperately need more workers in order to prevent their pension systems from collapsing over the coming two decades.¹⁸ One obvious (though partial) solution to this problem, which has been recognized by scholars and political elites for years, involves increasing levels of immigration and naturalization. Yet the resistance and outright hostility to immigrants has increased noticeably over the past decade, whether measured by public opinion surveys, support for extreme-right parties and candidates, or criminal attacks against foreigners. These two countervailing pressures – the need to incorporate more immigrant workers, within a context of an often xenophobic public opposition – will have to be resolved, in one form or another, over time. And political elites will struggle with these contradictory demands, though politicians tend to be more responsive to the short-term nature of the electoral process. The demographic problem, however, is a long-term one, and a key part of its eventual resolution will depend on how these countries define, and enforce, their citizenship policies.

In short, whether in terms of politics and elections, welfare state benefits, public-sector employment, social integration, or demographics and pension systems, national citizenship remains an essential and enduring feature of modern life – even in the “supranational” European Union.

on Wage Growth: A Panel Study of Young Male Immigrants,” *Journal of Labor Economics* 20, no. 3 (2002): 568–597. For the origin of the term “denizen,” see Tomas Hammar, *Democracy and the Nation-State: Aliens, Denizens and Citizens in a World of International Migration* (Aldershot: Avebury, 1990).

¹⁸ As one EU report put it, most pension systems will be facing an “unsustainable financial burden” within 10–15 years. See European Commission, “Proposal for a Joint Report by the Commission and the Council on Adequate and Sustainable Pensions” (2002), pp. 11–12.

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The Organization of the Book

The book's eight chapters are divided into two parts. Part I covers the EU-15 in a broad sweep, developing the book's main theoretical arguments and cross-national empirical findings, covering both the historical and contemporary time periods. Part II focuses more closely on the specific country groupings that share certain core features: formerly restrictive countries that have recently liberalized, those that have remained restrictive, the pivotal intermediate case of Germany, the historically liberal countries, and the twelve new EU members.

Chapter 1 provides the crucial "empirical baseline" for both historical variation and recent changes in the EU-15. I construct a "Citizenship Policy Index" (CPI) that codes all fifteen countries on three key components – whether the country grants *jus soli*, or citizenship by birth; the length of the residency requirement for naturalization; and whether naturalized immigrants can hold dual citizenship – while also providing an overall score.¹⁹ I argue that these are the most important general elements of a country's citizenship policy, even though each country's laws contain many other features, conditions, and exceptions. And by aggregating these three components, I distinguish between countries that can be considered "restrictive," "medium," or "liberal" in their granting of citizenship. Moreover, by analyzing the citizenship policies of the EU-15 at two different points in time – the 1980s (when the laws were still closely in line with each country's historical origins) and in 2008 – I can specify the extent to which countries have changed over the past several decades. Chapter 1 thereby sets up the two "puzzles" described above, which I address in the following two chapters.

Chapter 2 seeks to explain the historical variation among the EU-15, as measured by their citizenship policies in the 1980s. I propose two main (and overlapping) historical factors, which I argue have helped to explain the trajectories taken by each country. The first is whether or not a country is a former colonial power – on a large scale, outside Europe, and over a sustained time period. Those countries that *were* colonial powers generally developed relationships with the outside world and its people. And even though these relationships were usually hierarchical, exploitative, and violent – that is, not at all based on liberal principles – they

¹⁹ The coding involves several nuances and distinctions for all three criteria, and I also make slight adjustments based on countries' actual naturalization rates and whether they now mandate "civic integration requirements." Chapter 1 provides a detailed explanation of the coding procedures, and the full scores are provided in the Appendix.

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created long-term “affinities” between colonizing and colonized countries that still exist today, leaving a lasting impact on immigration and citizenship patterns and policies. The second factor involves whether a country was democratic in the nineteenth century. Early democratizers were much more likely to develop a more inclusive conception of national identity – based on civic, rather than strictly ethnic, terms. And for that reason, foreigners were more likely to be included as members of the society. In contrast, countries that only democratized in the twentieth century were more likely to solidify a conception of the national group that excluded people with different appearances, languages, and traditions. These two factors are obviously closely related, since most of the early democratizers were also colonial powers that accepted immigrants from their former colonies into their societies. After considering several alternative arguments, the chapter explores the empirical evidence, which shows a close relationship between my two factors and countries’ historical citizenship policies.

Chapter 3 turns to recent and contemporary change in the eleven historically restrictive countries, and it seeks to explain how and why six of them have liberalized their citizenship policies, while five have resisted change. The chapter develops an argument based on what I call “the politics of citizenship,” which focuses on the contingent political strategies and debates over citizenship in each country. I start by identifying “latent pressures” for both liberalization and restrictiveness that influence policymakers in different ways across countries. On one side, international factors (such as economic globalization and new norms of “postnational” human rights) as well as domestic causes (including interest group politics and the judicial system) have certainly exerted pressures for citizenship liberalization. On the other side, surveys show that public opinion throughout Europe is quite xenophobic and hostile to immigrants,²⁰ thus creating a potentially restrictive force.

To account for which type of pressure is ultimately successful, I propose a two-step mechanism. The first step considers the ideological orientation of the political parties in power, as parties on the center-left are more likely to support immigrants, while parties on the center-right favor the expansion of rights for emigrants.²¹ The more important second step

²⁰ Surveys show that there is variation across countries, of course, but overall the levels of anti-immigrant sentiment are very high in all EU countries.

²¹ This part of the argument draws on Christian Joppke, “Citizenship between De- and Re-Ethnicization,” *European Journal of Sociology* 44, no. 3 (2003): 429–458.