

### Multiple citizenship, nation and democracy: from anomaly to appraisal and beyond

Tanaşoca, Ana-Maria

Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

#### Empfohlene Zitierung / Suggested Citation:

Tanaşoca, A.-M. (2010). Multiple citizenship, nation and democracy: from anomaly to appraisal and beyond. *Studia Politica: Romanian Political Science Review*, 10(3), 483-535. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-446633>

#### Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.de>

#### Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:

<https://creativecommons.org/licenses/by-nc-nd/4.0>

# Multiple Citizenship, Nation and Democracy From Anomaly to Appraisal and Beyond

ANA-MARIA TANAȘOCA

In present days, world developments such as increased transmigration, globalization of economy, European integration, internationalization of law, gave rise to a flourishing literature of postnationalism<sup>1</sup> that postulates the end of the nation-state, of national citizenship and the advent of a cosmopolitan order and of a cosmopolitan citizenship. The postnationalist paradigm trivializes the nation-state and the national citizenship, emphasizing the internationalization of the human rights as the new basis for cosmopolitan democracy. The nation-state is no longer considered to be the locus of democracy, of rights and freedoms, of solidarity, or of identity. There is a trend in political science that denies the close relationship between liberal democracy and the nation-state, composed of transnationalism and postnationalism, of liberal-egalitarianism and the literature of border ethics. The issue of multiple citizenship is seen by the postnationalist literature as one indicator of the postnationalist era, since it represents a shift from the national-liberal conception on citizenship<sup>2</sup>. The postnationalists contend that multiple citizenship represents a form of postnational citizenship, that rests on a humanitarian ethic of personhood which decouples rights from formal national citizenship and from national identity. It is true that in the last years there has been a trend of convergence of the citizenship laws towards a wider acceptance of this type of membership, but at the same time, in many European countries, such as the Netherlands, there have been intense debates on its acceptance<sup>3</sup>. The last decades have witnessed some major changes of citizenship laws, among which the liberalization of multiple citizenship, starting with the 1993 *Second Protocol Amending the Convention in the Reduction of Cases of Nationality and Military Obligations*, and an increased tendency to see citizenship as a basic human right, in accordance to the postnationalist paradigm. The study of multiple citizenship did not receive much attention in the theorizing department, the studies focusing mainly on the legislation

---

<sup>1</sup> For postnationalist literature see Yasemin SOYSAL, *The Limits of Citizenship*, University of Chicago Press, Chicago, 1994; David HELD, *Democracy and Global Order: From the Modern State to Cosmopolitan Governance*, Stanford University Press, Stanford, 1995; David JACOBSEN, *Rights Across Borders: Immigration and the Decline of Citizenship*, Johns Hopkins University Press, Baltimore, 1997; Saskia SASSEN, "Towards Postnational and Denationalized Citizenship", in E.F. ISIN, B.S. TURNER (eds.), *Handbook of Citizenship Studies*, Sage, London, 2002; Stephen CASTLES, Alastair DAVIDSON, *Citizenship and Migration: Globalization and the Politics of Belonging*, Macmillan Press, Hampshire and New York, 2000.

<sup>2</sup> Will KYMLICKA, "Le mythe de la citoyenneté transnationale", *Critique Internationale*, no. 23, April 2004, p. 98.

<sup>3</sup> Moreover, the ban of dual citizenship was supported by the Labour Party. This is an interesting development as in many studies the left is seen as the main supporter of the liberalization of dual citizenship, while the presence of extreme right parties is seen as the main cause for its rejection. See Marc Morjé HOWARD, *The Politics of Citizenship in Europe*, Cambridge University Press, Cambridge, 2009, pp. 59-62.

and less on the conceptual dimension<sup>1</sup>. As Peter Spiro argues "multiple citizenship stands among the most understudied incidents of globalisation"<sup>2</sup>, despite the fact that it has profound implications for the states and for the political communities, as we will show in this paper. We argue that the issue of multiple citizenship must be studied by linking the legal dimension with its political dimension, as it touches upon important aspects of the literature on citizenship and the nation, and on democratic theory itself. As Rogers Brubaker points out, multiple citizenship is problematic from two points of view: because national allegiance is "by definition unconditional and absolute and that dual allegiance and dual citizenship are therefore impossible"<sup>3</sup>, and because it brings a "desacralization of citizenship, relativizing obligations"<sup>4</sup>. Multiple citizenship is thus problematic from the standpoint of methodological nationalism, that sees the nation and the state as the natural political form of the modern world<sup>5</sup>.

Therefore, we must ask ourselves, how does multiple citizenship affect the nation? How does it influence democracy itself? Can multiple citizenship be accommodated with the concept of nation that lies at the basis of the state itself and democracy? Is really multiple citizenship the expression of democracy and the embodiment of a cosmopolitan citizenship? We propose a study of multiple citizenship on conceptual and normative grounds against the postnationalist arguments, a study that deals with it not only from the legal point of view, but also from the conceptual and normative points of view. Our argument is that multiple citizenship undermines the nation-state and even democracy, because it wears out the boundaries upon which the nation-states were built and that are necessary for the exercise of democracy, which is based on equal national citizenship. In this respect, citizenship fails to act as a *social closure*<sup>6</sup>, as it was designed to be, in order to create exclusive national political communities. Instead, multiple citizenship creates overlapping circles of national membership that are *per se* contradictory to the nature of citizenship, and that can threaten the social cohesion of the nation. Contrary to the postnationalist stance that dislodges citizenship from the nation-state and decouples citizenship from rights, we argue that a bounded *demos*, that is the nation, is a prerequisite for liberal democracy. Moreover, dual citizenship undermines the equality between the members of a political community, one of the core values of citizenship, because usually dual citizens enjoy rights in two

---

<sup>1</sup> Thomas FAIST (ed.), *Dual Citizenship in Europe: From Nationhood to Social Integration*, Ashgate, Aldershot, 2007; Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship in Global Perspective*, Palgrave Macmillan, Hampshire and New York, 2007; Pirkko PITKÄNEN, Devorah KALEKIN-FISHMAN (eds.), *Multiple State Membership and Citizenship in the Era of Transnational Migration*, Sense Publishers, Rotterdam, 2007; IDEM (eds.), *Multiple Citizenship As A Challenge to European Nation-States*, Sense Publishers, Rotterdam, 2007; Gerard-René DE GROOT, "The Background of the Changed Attitude of Western European States with Respect to Multiple Nationality", in Atsushi KONDO, Charles WESTIN (eds.), *New Concepts of Citizenship: Residential/Regional Citizenship and Dual Nationality/Identity*, CEIFO, Stockholm, 2003, pp. 99-119.

<sup>2</sup> Peter SPIRO, "Dual Citizenship: A Postnational View", in Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship...cit.*, p. 189.

<sup>3</sup> Rogers BRUBAKER, *Citizenship and Nationhood in France and Germany*, Harvard University Press, Cambridge, 1992, p. 144.

<sup>4</sup> *Ibidem*, p. 145.

<sup>5</sup> Andreas WIMMER, Nina GLICK SCHILLER, "Methodological Nationalism and Beyond: Nation-State Building, Migration and the Social Sciences", *Global Networks*, vol. 2, no. 4, 2002, p. 301.

<sup>6</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 23.

countries, but fulfil their duties towards their peers, and towards the government, in only one country. From a philosophical point of view, they no longer respect the social contract that lays at the basis of societies and governments. Thus, multiple citizenship represents at the conceptual level, nothing more but a debasement of citizenship and a de-essentialization of citizenship.

First, multiple citizenship must be studied in relationship to the nationhood. As Brubaker pointed out, different conceptions of nationhood are mirrored in the legislation on citizenship<sup>1</sup>. In this sense, the liberal nationalist approach<sup>2</sup> illustrates best the salient relationship between nationalism, citizenship and liberal democracy. Liberal nationalism emphasizes the salience of culture which is rooted in the political structures of a state<sup>3</sup>. Thus, state neutrality cannot be achieved. Moreover, boundaries are needed in order to preserve the cultural diversity of groups. In this respect, the advent of a postnational era would be "more a nightmare than a utopian vision"<sup>4</sup>. The categories used by the postnationalist discourse, such as *humanity*, are not political categories, while the *people* and the *nation* are key concepts of democracy and political categories<sup>5</sup>.

Second, the issue of multiple citizenship has to be studied in relation to the literature on boundary ethics<sup>6</sup> and in relation to democratic theory. Boundary ethics deals a lot with the question of immigration that is deeply related to citizenship matters, and not only. However, till now, the literature of border ethics was not taken into account in the study of multiple citizenship, though it should have been. The relationship between boundaries and democracy is the main focus of the literature of boundary ethics. The debate on open/closed borders touches the issue of the territorial boundaries of the states, as well as of the membership boundaries of the states, as defined by citizenship. Although the studies do not touch precisely the issue of dual citizenship, we argue that boundary ethics is essential to the study of multiple citizenship because multiple citizenship represents a contestation of the boundaries at the highest level – that of the boundaries of the political community – of the nation, of the *demos* – upon which the states draw their legitimacy. Multiple citizenship is *per se* a dissolution of boundaries, because boundaries presuppose exclusivity; while the boundaries' action is particularizing, the multiple citizenship's action is uniformizing.

The notions of boundary are deeply entrenched in the processes of nation and state-building. The principles of popular sovereignty and of self-determination are,

---

<sup>1</sup> *Ibidem*, p. 3.

<sup>2</sup> Yael TAMIR, *Liberal Nationalism*, Princeton University Press, Princeton, NJ, 1993; David MILLER, *On Nationality*, Clarendon Press, Oxford, 1995; Will KYMLICKA, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Clarendon Press, Oxford, 1995.

<sup>3</sup> Yael TAMIR, *Liberal Nationalism*, cit., p. 148.

<sup>4</sup> *Ibidem*, p. 167.

<sup>5</sup> Chantal MOUFFE, *The Paradox of Democracy*, Verso, London and New York, 2000, p. 44.

<sup>6</sup> See Joseph H. CARENS, "Aliens and Citizens: The Case for Open Borders" in Ronald BEINER (ed.) *Theorizing Citizenship*, State University of New York Press, New York, 1995; Seyla BENHABIB (ed.), *Democracy and Difference. Contesting the Boundaries of the Political*, Princeton University Press, Princeton, 1996; Phillip COLE, *Philosophies of Exclusion: Liberal Political Theory and Immigration*, Edinburgh University Press, Edinburgh, 2000; John ISBISTER, "A Liberal Argument for Border Controls: Reply to Carens", *International Migration Review*, vol. 34, issue 2, 2000, pp. 629-635; Will KYMLICKA, "Territorial Boundaries: A Liberal Egalitarian Perspective", in David MILLER, Sohail HASHMI (eds.), *Boundaries and Justice: Diverse Ethical Perspectives*, Princeton University Press, Princeton, 2001, pp. 249-275; Michael WALZER, *Spheres of Justice*, Blackwell, Oxford, 1983.

of course, part of the problem. In this respect, multiple citizenship is central to the paradox of democracy: the tension between liberalism and democracy<sup>1</sup>. Because the constitution of the *demos* entails relations of inclusion/exclusion, the democratic theory has been under the attack of postnationalists<sup>2</sup>, as much as the cultural accents of liberal nationalism<sup>3</sup>. Therefore, postnationalists advocate liberal universalism against democratic particularism. However, citizenship as equal membership is the ground for a minimum of homogeneity, conceived as equality<sup>4</sup>, that is necessary for democracy and for politics itself. Boundaries are needed in order to establish who the populace that holds the popular sovereignty is. And, in virtue of these boundaries that consecrate the particularity and concreteness of a people, the people exercises its right to self-determination. Thus, the definition of the nation as an exclusive particular community is the basis for the functioning of the state and democracy, and also the *raison d'être* of the states finally, facts that have been neglected in the study of multiple citizenship.

### *The Postnationalist Standpoint*

The cornerstone of postnationalism is considered to be Yasemin Soysal's book, *The Limits of Citizenship*, which coined the concept of *postnational citizenship*. From 1994 onwards, postnationalism was further enriched by many other studies. Since the project we propose goes against the claims of postnationalism, we should first see what the main arguments of this paradigm are, and how does it consider the issue of multiple citizenship. According to Peter Spiro, multiple citizenship both accelerates and reflects the emergence of a postnational citizenship, undermining the citizen-state affiliation<sup>5</sup>. Postnationalist researchers consider that the national citizenship has lost its power to the advantage of other types of membership, mainly regional ones. Moreover, it is no longer the sole depository of rights as more and more, residents enjoy a considerable number of rights, by virtue of an international legislation on human rights. Thus, postnationalists have "dislodged both the substance of citizenship, what it is, and the location of citizenship, where it happens, from the nation-state and national citizenship"<sup>6</sup>. If national citizenship still holds as an identity, it is no longer a significant construction in terms of rights. Rights have become separated from citizenship and from national identity, and the European citizenship, is presented throughout the literature as a successful example of postnational citizenship, and as a step towards a cosmopolitan citizenship. This was mainly due to the internationalization of labour markets, to the emergence of multi-level politics and to the internationalization of the discourse on human rights. Thus, the postnationalists argue that the classical

<sup>1</sup> Chantal MOUFFE, *The Paradox...cit.*, pp. 36-57.

<sup>2</sup> Arash ABIZADEH, "Democratic Theory and Border Coercion. No Right to Unilaterally Control Your Own Borders", *Political Theory*, vol. 36, issue 1, 2008, pp. 37-65.

<sup>3</sup> IDEM, "Liberal Nationalist Versus Postnational Social Integration: On the Nation's Ethno-cultural Particularity and Concreteness", *Nations and Nationalism*, vol. 10, issue 3, 2004, pp. 231-250.

<sup>4</sup> Chantal MOUFFE, *The Paradox...cit.*, p. 38.

<sup>5</sup> Peter SPIRO, "Dual Citizenship...cit.", p. 189.

<sup>6</sup> Randall HANSEN, "The Poverty of Postnationalism: Citizenship, Immigration and the New Europe", *Theory and Society*, vol. 38, no. 1, January 2009, p. 1.

understanding of national citizenship is no longer adequate in order to understand present-day realities. As Randall Hansen observes, "a great tide of postnational reconfiguration seems to sweep aside citizenship and the nation state as the basis of rights and identities"<sup>1</sup>. Still, little is said about the content of postnational membership. For example, Thomas Faist sees multiple citizenship as developing "genuine links of citizens across various sovereign political communities"<sup>2</sup>. However, the nature of these links remains unknown. What is known is, that they rest on a universalistic and humanistic ethic of personhood which rejects all national identity as source of rights.

The theories on the nation-state are seen as heuristically obsolete in an era "of interlocking legal, institutional, and ideological changes"<sup>3</sup> that affect national citizenship. This is mainly due to an internationalization of the human rights discourse. After WWII, "the definition of individual rights as abstract, universal category as opposed to being attached to an absolute status of national citizenship"<sup>4</sup> has served as a basis for claims-making in the post-war democracies. Supra-national organizations, like the EU, also occasion transformations of the national identities. Thus, Soysal argues that classical citizenship is "no longer adequate to understand the dynamics of rights and membership" and that

"national citizenship or formal nationality is no longer a significant construction in terms of how it translates to rights and privileges; and, claims-making and participation are not axiomatically concomitant with the national order of things"<sup>5</sup>.

Hence Soysal decries the split of rights and identity, the two composing elements of national citizenship, in her attempt to define her *postnational citizenship*<sup>6</sup>. Postnational citizenship rests on several post-war developments. One of them is the internationalization of human rights that emerged as cosmopolitan norms, and enforced the rights of women, homosexuals, children and immigrants<sup>7</sup>. This international regime of human rights blurred the distinction between nationals and aliens, making national citizenship lose ground in relation to

"new forms of citizenship, which derive their legitimacy from deterritorialized notions of persons' rights, and [...] no longer unequivocally anchored in national collectivities"<sup>8</sup>.

In Soysal's opinion, postnational citizenship can be seen through

---

<sup>1</sup> *Ibidem*, p. 4.

<sup>2</sup> Thomas FAIST, "Dual Citizenship As Overlapping Membership", *Willy Brandt Series of Working Papers in International Migration and Ethnic Relations*, vol. 3, no. 1, November 2001, p. 3.

<sup>3</sup> Yasemin SOYSAL, "Postnational Citizenship: Reconfiguring the Familiar Terrain", in Kate NASH, Alan SCOTT (eds.), *The Blackwell Companion to Political Sociology*, Blackwell Publishing, Malden, 2004, p. 334.

<sup>4</sup> *Ibidem*.

<sup>5</sup> *Ibidem*, pp. 334-335.

<sup>6</sup> *Ibidem*, p. 335.

<sup>7</sup> *Ibidem*.

<sup>8</sup> *Ibidem*.

"the membership of the long-term noncitizen immigrants in western countries, who hold various rights and privileges without a formal nationality status; in the increasing instances of *dual citizenship*, which breaches the traditional notions of political membership and loyalty in a single state; in European Union citizenship, which represents a multitiered form of membership; and in subnational citizenships in culturally or administratively autonomous regions of Europe"<sup>1</sup>.

Soysal recognizes that dual citizenship and EU citizenship bring a privileged status to individuals, but this is not seen as problematic; instead it is seen as undermining the exclusion and inclusion dimension of national citizenship<sup>2</sup>. Collective identities that are considered at the international level as a human right, also undermine the national identity. In Soysal's view the claims-making of collective groups around particularistic identities, is increasingly made at the transnational or supranational level, and around the idea of human rights<sup>3</sup>. This can be seen especially in the case of immigrant communities, with regard to individual rights, seen also as an expression of their cultural identity, and that are sometimes perceived as opposed to the national cultures, as we will see. Soysal gives the example of the Islamic headscarf. We chose for the paper a related example, that of the *burqa*. The demand for dual citizenship is put in the same category<sup>4</sup>. The author remarks that postnational citizenship dislodges rights from the state :

"Postnational citizenship is not simply a set of legal rights and privileges or a legal status attached to a person, as implied in Marshallian definitions of citizenship. It signifies a set of practices through which individuals and groups activate their membership within and without the nation-state. Individuals and collectivities interact with and partake in multiple public spheres – hence, altering the locus of participation and setting the stage for new mobilizations"<sup>5</sup>.

Yasemin Soysal's theory considers the nation-state as compatible with the universalistic human rights which create a new category of membership that transcends the nation-state. The author also acknowledges the fact that postnational citizenship is born out of struggles and protest that can run against the national level<sup>6</sup>.

According to Yasemin Soysal, the gradual acceptance of dual citizenship is a desirable change in fact, because citizenship is no longer anchored in the nation-state and an expression of boundaries. Multiple citizenship, as a dissolution of membership boundaries, is thus a postnational phenomenon: "Another indicator of the fluidity of the postnational membership is the increasing acquisition of dual citizenship in Europe"<sup>7</sup>. Even if it may seem as a factor enhancing the relevance of national citizenship, we also argue that it is not, since national membership and citizenship

---

<sup>1</sup> *Ibidem*.

<sup>2</sup> *Ibidem*, p. 336.

<sup>3</sup> *Ibidem*, p. 337.

<sup>4</sup> *Ibidem*, p. 338.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 341.

<sup>7</sup> Yasemin SOYSAL, "Changing Citizenship in Europe", in David CESARINI, Mary FULBROOK (eds.), *Citizenship, Nationality and Migration in Europe*, Routledge, London, 1996, p. 22.

have been conceived and emerged as exclusive categories. Moreover, for Soysal the fluidity of membership does not affect the boundaries of the nation-state, nor do the privileges of dual citizens affect the basis of democracy.

Although we argue that the *devaluation*<sup>1</sup> of citizenship involves *sine qua non* a devaluation of sovereignty, because of their organic relationship, postnationalist researchers usually claim that there is no connection between the two processes<sup>2</sup>. According to Seyla Benhabib, we are witnessing a "disaggregation of citizenship rights, the emergence of an international human rights regime, and the spread of cosmopolitan norms"<sup>3</sup>. These phenomena engender a transformation or an alteration of national sovereignty. However, Benhabib argues that "there are dangers as well as opportunities created by the weakening of state sovereignty"<sup>4</sup>. The question is how popular sovereignty is affected by the erosion of state sovereignty. According to her, the popular sovereignty is not affected, as a global citizenship is developing in relation to transnational organizations that work towards global governance<sup>5</sup>. Citizenship is reconfigured more and more as residence citizenship, based on universalistic conceptions of human rights<sup>6</sup>. Thus, the author argues that:

"Popular sovereignty no longer refers to the physical presence of a people, gathered in a delimited territory, but rather to the interlocking in a global public sphere of the many processes of democratic iteration in which peoples learn from one another"<sup>7</sup>.

Cosmopolitan norms and postnational membership are seen as enforcing popular sovereignty and democracy<sup>8</sup>.

In the view of Stephen Castles and Alastair Davidson, globalization processes bring new challenges to national citizenship and an erosion of the boundaries of the nation-states<sup>9</sup>. Multiple citizenship and the porosity of boundaries trigger the separation between cultural belonging and membership. Thus, the authors claim that because there is increasing number of "citizens who do not belong", the nation-state can no longer be the "central place for democracy"<sup>10</sup>. However, the postnationalists found also a solution to this democratic deficit: the replacement of national citizenship with an "open and flexible form of belonging"<sup>11</sup> that transcends state borders. Globalization is the main process that affects the reconfiguration of citizenship because: it questions the autonomy of the nation-states by destabilizing the national industrial society, it

<sup>1</sup> This term has been coined by Peter SCHUCK in his book *Citizens, Strangers and in-Betweens. Essays on Immigration and Citizenship*, Westview Press, Boulder, Oxford, 1998, p. xiii.

<sup>2</sup> Seyla BENHABIB, "Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times", in Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship...cit.*, pp. 247-271.

<sup>3</sup> *Ibidem*, p. 247.

<sup>4</sup> *Ibidem*, p. 249.

<sup>5</sup> *Ibidem*, p. 261.

<sup>6</sup> *Ibidem*, p. 262.

<sup>7</sup> *Ibidem*, p. 265.

<sup>8</sup> *Ibidem*.

<sup>9</sup> Stephen CASTLES, Alastair DAVIDSON, *Citizenship and Migration. Globalization and the Politics of Belonging*, Macmillan Press, Hampshire and London, 2000, p. vii.

<sup>10</sup> *Ibidem*, p. viii.

<sup>11</sup> *Ibidem*.



undermines the national culture by increasing heterogeneity, it entails the movement of people across borders at an unprecedented scale<sup>1</sup>. This means that ethnic minorities appear at a fast speed and question citizenship and integration practices. Thus, the authors claim that the "substance of citizenship and of the nation-state" changes but still, the state remains a political unit capable of maintaining democratic citizenship<sup>2</sup>. Although Castle's and Davidson's approach can seem "milder" than the approach of more fierce postnationalists, as Soysal or David Jacobson, they argue that the nation must be "evacuated" from the state and that citizenship in a globalizing world requires also a reconfiguration of the state, that is an increase of the porosity of the state borders<sup>3</sup>. This claim is convergent with the liberal egalitarian argument for open borders. The new reconfiguration proposed by Castles and Davidson, would oust the model of singular citizenship and adopt multiple citizenship as a rule<sup>4</sup>.

In a nutshell, postnationalism turns the national citizenship into a right *per se*, as part of a rights extension for aliens. As Christian Joppke rightfully observes, considering state membership as a human right is more than odd, as state membership is conceptually at a different level from other rights<sup>5</sup>. The ideal of postnationalist literature is that of a cosmopolitan citizenship and of a cosmopolitan democracy. The idea of cosmopolitan democracy that is at odds with the doctrine of self-determination fails however to respond to the central problem of scale: the larger the polity, the less meaningful is the individual's participation in government, and less chances for his interests to be satisfied. In a sense, multiple citizenship represents the ideal of postnationalists. If a single cosmopolitan citizenship cannot be established, by the multiplication and accumulation of citizenships the boundaries between individuals and communities are blurred. Postnational citizenship constitutes a form "of simple equality with regard to membership"<sup>6</sup>. As Walzer observes, postnational citizenship is endowed with an important dose of global socialism<sup>7</sup>.

The internationalization of rights under the umbrella human rights, can be seen also as an apolitical phenomenon. The rights are attached to the human being, by virtue of his humanity, making states and national membership futile. However, according to Manent we cannot conceive equal rights outside an already existing community of citizens that is organized in a democratic regime<sup>8</sup>, despite what the postnationalists pretend.

### *Boundaries, Citizenship and Democracy*

We argue that one of the main reasons why multiple national identities weaken the state lies in the palingenesis of states and democracy: both processes are boundary-

<sup>1</sup> *Ibidem*, pp. 6-9.

<sup>2</sup> Stephen CASTLES, Alastair DAVIDSON, *Citizenship and Migration...cit.*, p. 15.

<sup>3</sup> *Ibidem*, p. 24.

<sup>4</sup> *Ibidem*.

<sup>5</sup> Christian JOPPKE, "Citizenship between De- and Re- Ethnicization", *Russell Sage Working Papers*, working paper 204, March 2003, p. 5.

<sup>6</sup> Michael WALZER, *Spheres of Justice*, cit., p. 34.

<sup>7</sup> *Ibidem*.

<sup>8</sup> Pierre MANENT, *Rațiunea națiunilor*, Rom. transl. Cristian Preda, Nemira, București, 2007, p. 73.

building processes. What does multiple citizenship entail *in extremis* if not the disappearance of nations, of states and why not, of democracies? In the postnationalist thought such a development is seen as positive one, but as we will see, it is hard to reconcile with democracy. Thus the critique of some of the most radical postnationalist thinkers resembles more to an anarchist manifesto<sup>1</sup> than to a democratic one. So after all, why are boundaries and exclusion necessary for democracy?

Citizenship is a Janus-type of membership: it was established by the French Revolution as an inclusive type of membership that could foster equality of its members, and could reject the social inequalities and privileges of the *Ancien Régime*. In this respect, citizenship was to level the social and political inequalities, at the same time establishing criteria for the exclusion of the aliens. The French Revolution also articulated the doctrine of popular sovereignty and the relationship between citizenship and nationhood<sup>2</sup>. Rogers Brubaker stresses the fact that citizenship was central to the French Revolution, which was at the same time, a bourgeois revolution, a democratic revolution, a national revolution and a bureaucratic revolution that continued the strives for centralization of the *Ancien Régime*<sup>3</sup>. Citizenship was conceived as an equal and general status that comprised common civil and political rights, as well as obligations, meaning that the citizenship enforced the centralizing governmental power of the state through "immediatization"<sup>4</sup>. However, even before 1789 another type of political membership existed: urban citizenship that was considered part of the old archaic privilege-based society, and that was withered away by national citizenship, despite the fact that national citizenship inherited some important characteristics of urban citizenship. As a national revolution, the French Revolution aimed to create a nation of equal individuals by ditching the internal boundaries, and at the same time by enforcing the external ones, which differentiated the French from the Other. In this respect, the French Revolution, as well as the 1848 European revolutions, were revolutions of the Otherness, emphasizing the concreteness and idiosyncratic character of each people. The French Revolution did not invent only the citizen, but also the foreigner<sup>5</sup>. Citizenship engendered in Brubaker's opinion both the modern nation-state and modern nationalism, as it created civil equality, but also the ideological substance of nationalism, the concept of nation<sup>6</sup>. Ever since, debates flourished on how broad or narrow the definition of citizenship should be. The imposition of an equal membership brought another problem in the mind of nineteenth century philosophers: that of social dissolution that came with the exercise of popular sovereignty. In this respect, Emmanuel-Joseph Sieyès proposed a categorization of citizenship, in passive and active citizens<sup>7</sup>. Only active citizens were to retain political rights, while passive citizens (women, children and foreigners) were to have only natural and civil rights. The Terror can be also conceived as an attempt to stop the division of the popular will and of the republic. Carl Schmitt also feared that social pluralism would undermine the political unity necessary to democracy. The

<sup>1</sup> See Arash ABIZADEH, "Democratic Theory...cit."

<sup>2</sup> Rogers BRUBAKER, *Citizenship and Nationhood... cit.*, p. 35.

<sup>3</sup> *Ibidem*, p. 39.

<sup>4</sup> *Ibidem*, p. 49.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 48.

<sup>7</sup> Immanuel WALLERSTEIN, "Citizens All? Citizens Some! The Making of the Citizen", *Comparative Studies in Society and History*, vol. 45, no. 4, October 2003, p. 651.

problem nowadays with multiple citizenship is the same: how to maintain the social cohesion of the political community, that is a prerequisite of democracy, in the context in which national citizenship is no longer conceived in absolute and exclusive terms.

The rise of the nation-state and of democracy was made possible by the fact that national membership gained supremacy over other types of membership (religious identity, class identity, regional identity). The rise of multiple citizenship affects precisely this supremacy of the national membership that is the citizenship. If individuals have different identities at the same time, why shouldn't they hold several national identities? We enter here into the debate on the theory of multiple identities and on the nature of citizenship *per se*. In this reasoning, one should however consider that the multiple identities of an individual are different in kind – social identity, political identity, sexual identity – however one cannot have multiple identities of the same kind – one is either male or female, either leftist or rightist – these identities are exclusive categories. Moreover, the supremacy of citizenship is questioned by associating it with other types of identities. In his critique of pluralistic theory, Schmitt emphasized the fact that if we consider the state a mere association, similar with trade unions or churches, we deny its ethical role and its capacity to represent the people<sup>1</sup>. National membership is not another type of identity: it is central to our life as social human beings who accomplish their existence by their membership to the *demos*. As Joseph Carens observes, the other types of communities that stem from other identities besides the national one are not *political* communities that is "groups that possess (or aspire to) extensive self government"<sup>2</sup>, and their members "do not normally think of themselves as citizens of these sorts of groups"<sup>3</sup>. The difference between citizenship and other types of identities is not only in degree, but also in kind, as

"to be defined as a citizen is not to qualify as an insider for a particular instance or type of interaction; it is to be defined in a general, abstract, enduring and context-independent way as a member of the state"<sup>4</sup>.

This difference of kind, and the very nature of citizenship as an ontological status is denied by postnationalists.

It is a mistake to regard citizenship as a mere legal status that links an individual to a state. As Charles Tilly argues, citizenship can be seen as

"an organized set of social ties: rights and obligations connecting people who fall under the power of a particular state with the agents of that state. In citizenship, those rights and obligations apply broader to whole categories of persons rather than varying from one individual to the next"<sup>5</sup>.

---

<sup>1</sup> Chantal MOUFFE, *The Paradox...cit.*, p. 52.

<sup>2</sup> Joseph CARENS, *Culture, Citizenship and Community. A Contextual Exploration of Justice as Evenhandedness*, Oxford University Press, Oxford, 2000, p. 167.

<sup>3</sup> *Ibidem*.

<sup>4</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 29.

<sup>5</sup> Charles TILLY, *Identities, Boundaries and Social Ties*, Paradigm Publishers, London, 2005, p. 173.

For Tilly citizenship is rooted in the transformation of social boundaries into political boundaries<sup>1</sup>. Thus, the conceptions of national boundaries influence also the boundaries of citizenship<sup>2</sup>. Citizenship was created as a particularising category:

“A bundle of rights and obligations actually distinguishes a whole category of the state’s subject population defined by their relation to the state rather than by the category’s place in the population’s general system of inequality”<sup>3</sup>.

By undermining the particularizing capacity, multiple citizenship is an attack on the very essence of the citizenship.

### *Nation and State-Building as Boundary-Building Processes*

One of the major authors who addressed the relationship between citizenship and the nation is Rogers Brubaker, in his book, *Citizenship and Nationhood in France and Germany*. As we will further see, multiple citizenship is essentially and radically at odds with the definition Brubaker gives to the nation. This is so because he postulates two attributes of the nation that are undermined by multiple citizenship: its boundedness and its exclusivity. Brubaker considers citizenship a fundamental instrument of “social closure”<sup>4</sup> between states, as well as within states. This entails that the state is not neutral, as it operates important distinctions between its members and aliens, reserving certain rights to certain individuals, by virtue of their membership to the nation. As we will further see in the part dedicated to border ethics, this discrimination between foreigners and citizens that seems at odds with the liberal democratic principles, is at the same time the foundation of democracies as we know them. Furthermore, states are built and legitimated by the assumption that they further the interests of “a particular bounded citizenry”<sup>5</sup>. Brubaker emphasizes precisely the developments of the “division of the world’s population into a set of bounded and mutually exclusive citizenries” that went hand in hand with the “division of the earth surface into a set of bounded and mutually exclusive territorial jurisdictions”<sup>6</sup>. The existence of bounded national communities should not be taken for granted, especially in present days that see the emergence of new forms of membership like multiple citizenship, which were for a long time forbidden, precisely for being “degenerate”, in the sense that they do not converge with our understanding of concepts such as the nation, the state and democracy, that played a role in the state- and nation-building processes in Europe. Brubaker puts it very nice and simple:

“As a powerful instrument of social closure, citizenship occupies a central place in the administrative structure and political culture of the modern nation-state and state system”<sup>7</sup>.

---

<sup>1</sup> *Ibidem*, pp. 173-174.

<sup>2</sup> *Ibidem*, p. 175.

<sup>3</sup> *Ibidem*, p. 193.

<sup>4</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. x.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 22.

<sup>7</sup> *Ibidem*, p. 23.

The debasement of citizenship through the phenomenon of multiple citizenship means that citizenship is nowadays seen as a simple legal status among others and that it loses the social and cultural dimension. This development cannot but affect negatively the quality of democracy, by separating rights and duties from values and beliefs. Democracy and politics cannot exist without a normative dimension. The normative dimension of democracy is very well illustrated by the condemnation of the low turnout at elections. There is an overall consensus that electoral apathy challenges democracy. This is why, in some countries voting is mandatory. What good is to have the right to vote, if no one bothers to go to vote? If the right to vote is not valued *per se* then it loses its legitimacy and its reason for being. Moreover, citizenship is no longer an instrument and an object of closure as it was conceived<sup>1</sup>, as multiple citizenship does not delimitate distinct political and cultural communities.

By analogy to Rokkan's work, the concept of *boundary* is replaced with that of *closure* in Brubaker's work, notion borrowed from Max Weber's distinction between open and closed social relationships. Although citizenship is internally inclusive, it excludes the foreigners, despite being part of the permanent resident population, because they are members of other states. Thus citizenship is not "a mere reflex of residence"<sup>2</sup>. Multiple citizenship contradicts this logic, as the particularity and the boundedness of nations are no longer a rule. In this respect, the dissolution or the weakening of national ties affects automatically the state and its legitimacy. The fact that the existence and the legitimacy of states are based on the assumption that they further the interests of one particular and exclusive community, is very well demonstrated by the fact that logics as that of the two German states, "two states, one nation", are meant to fail in the long run, if the populations are nationally homogenous. The disintegration of multinational states, like Yugoslavia and Czechoslovakia, which failed to create a stable Yugoslav and Czechoslovak national identity that could supersede in time the identities of the composing national communities, as in the Swiss case, is relevant for the same idea. In Czechoslovakia, the Czechoslovakness was not embraced by the Slovaks. This identity could not coexist with the Slovakness of a part of the citizens, which proves that national identity is exclusive. Although as postnationalists claim, the ideal of the nation-state no longer holds in a globalizing world, and nation and state are not perfectly coextensive, almost all modern states claim to be nation-states, subscribe to the doctrines of national or popular sovereignty and derive state power and exercise it in the name of a people, namely a nation<sup>3</sup>. Distinctiveness of the nation is essential for the states, just as boundedness is. Exclusion of the foreigners especially from political rights, embodies very well the founding doctrines of the modern states, as well as nurtures the state's legitimacy, as expression of the interests of a distinctive political community. However, multiple citizens hold political rights in more than one country, which means that at least for one country, they are at the same time citizens and aliens. This dual nature or dual personality (although individuals can hold even more than two citizenships) can be seen as an infringement of the founding doctrines of the states. Moreover, the two categories engendered by the French Revolution, the citizen and the foreigner, were created as

---

<sup>1</sup> *Ibidem*.

<sup>2</sup> *Ibidem*, p. 21.

<sup>3</sup> *Ibidem*, p. 28.

"correlative, mutually exclusive, exhaustive categories"<sup>1</sup>, attributes that are no longer present in the logic of multiple citizenship, a "third way" that was not meant to exist. Thus, as Brubaker states, the discrimination between members and non-members is the expression of a "normal, legitimate, rational, nationalism"<sup>2</sup>. However, the closure-character of the national citizenship established by the French Revolution was inherited in great part from another type of membership: urban citizenship that was the first to set boundaries between aliens and residents, and the first instrument to enforce the territorial boundaries of the cities, as well limiting the access of unwanted guests. As an instrument to control immigration, and especially the entry of migrant poor, urban citizenship was present throughout Europe and especially in the city-belt area that saw the development of prosperous urban communities. Urban closure against beggars and unwanted individuals worked in two ways: the foreign poor were excluded from the town, and the potentially poor were excluded from urban citizenship. Urban citizenship was an instrument of social regulation just as much as national citizenship, and it was salient especially in countries like the Dutch Republic, where already at the end of the 18<sup>th</sup> century, 35% of the population was living in the cities<sup>3</sup>. Inhabitants used to complain to the city authorities that the poor impoverish the welfare institutions<sup>4</sup>. Moreover, certain restrictions were put to their access to the welfare institutions. For example, in the Netherlands, one could be treated in a Great Hospital only after ten years of residence, whereas after fifteen years, one could have access to the municipal welfare institutions<sup>5</sup>. Even when national citizenship was established by the Batavian republic, the constitution excluded from political rights and citizenship certain categories that were economically "challenged", like bankrupts and those who benefitted from ecclesiastical or public welfare, or living in welfare institutions<sup>6</sup>. Even today, economic independence is a condition for naturalization, like in Denmark, where in 2005 the amendment of the citizenship law provides that applicants for naturalization must have been self-sufficient without receiving welfare benefits for four of the previous five years<sup>7</sup>. In order to avoid homeless people, the states began to regulate more and more urban citizenship, challenging urban autonomy. Especially in Prussia, in the 19<sup>th</sup> century, the conflict over the control of membership, and therefore immigration, was very sharp<sup>8</sup>. As states took over the responsibility towards the poor, the conflicts between communes were replaced by disputes between states. The policies against the poor affected also the Roma population. In the 16<sup>th</sup> century, in the German Empire, the local rulers were forbidden to issue passports for the gypsies<sup>9</sup>, and later in the 19<sup>th</sup> century, all gypsies that could

---

<sup>1</sup> *Ibidem*, p. 46.

<sup>2</sup> *Ibidem*, p. 28.

<sup>3</sup> Maarten PRAK, "Burghers into Citizens: Urban and National Citizenship in the Netherlands During the Revolution Era (c. 1800)", *Theory and Society*, vol. 26, 1997, p. 415.

<sup>4</sup> *Ibidem*, p. 408.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 412.

<sup>7</sup> Eva ERSBØLL, "Denmark", in Rainer BAUBOCK, Eva ERSBOLL, Kees GROENENDIJK, Harald WALDRAUCH (eds.), *Acquisition and Loss of Nationality. Policies and Trends in 15 European countries*, vol. 2 (*Country Analyses*), Amsterdam University Press, Amsterdam, 2006, p. 132.

<sup>8</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 65.

<sup>9</sup> Helmut SAMER, "16<sup>th</sup>-18<sup>th</sup> Century", ROMBASE, *Didactically edited information on Roma*, <http://romani.uni-graz.at/rombase> (last consulted on 22.04.2009).

not prove their German citizenship beyond all doubt, could be deported<sup>1</sup>. Several bilateral treaties with other European powers (Austrian Hungarian Empire, Russia, France, Italy, Denmark, the Netherlands and Luxembourg) were signed to ease this task<sup>2</sup>. An embryonic institution of citizenship arose from the bilateral and multilateral treaties between states, in order to limit the costs of unwanted poor, in an effort to rationalize and coordinate expulsion practices<sup>3</sup>. As Brubaker points out, the action of states against the migrant poor, and the construction of a unitary sovereignty, emphasize the saliency of the connection between citizenship and state-building<sup>4</sup>. Thus, Brubaker's theory emphasizes the dimension of the state, not only as territorial organization, but as a membership association that operates using categories of exclusion and inclusion. It is this dimension that is most weakened by the mushrooming of multiple citizenship. Already, urban citizenship provided certain benefits to its beholder. For example, in the Netherlands at the end of the 18<sup>th</sup> century, there were three obvious advantages of citizenship: membership in the guilds that had the monopole on trade, and that were as well represented in the local government, access to political office, and the fact that the citizen could only be put on trial by a local court<sup>5</sup>. By now, multiple urban citizenship was considered problematic. One example in this respect, is that of an individual accused of murdering a Jew in Amsterdam, mentioned by Maarten Prak. Although he was a citizen of Amsterdam, he provided proof that he was a citizen of Bois-le-Duc too, in order to avoid extradition and trial in Amsterdam<sup>6</sup>. National citizenship reversed also the logic between membership and residence. Membership was no longer dependent on residence, rather residence was contingent on membership<sup>7</sup>. However, if we consider the fact that the cases of multiple citizenship arise subsequently to immigration and long-time residence in another country (one of the criteria for naturalization), and not only from cases of *jus sanguinis a patre et a matre*, we could argue that multiple citizenship is a return to the principle of *domicilium facit subditum*. Today the behaviour of nation-states seems rather similar to that of the communes. As the communes wanted to protect the communal life, and the communal spirit, the nation-states want to reserve the welfare benefits only for their citizens, and to maintain the necessary level of solidarity and cohesion. As we have shown, citizenship emerged also from the regulation of migration. Today mass migration seems less controlled by the means of citizenship, if we think of two phenomena: the emergence of European citizenship, and the extensive acceptance by nationality laws of multiple citizenship.

Democratization as the extension of civil and political rights was intimately linked to the processes of nation-building. The attack on the nation, as a consequence of extensive emigration and liberalization of citizenship policies, hampers also democracy in itself, and the expression of popular sovereignty. Stein Rokkan rightly observed that, the end of the *Völkerwanderung* in the High Middle Ages, permitted

---

<sup>1</sup> IDEM, "Gypsy Policies in Germany. From the 19<sup>th</sup> Century to the Foundation of the Third Reich", ROMBASE, *Didactically edited information on Roma*, <http://romani.uni-graz.at/rombase> (last consulted on 22.04.2009).

<sup>2</sup> *Ibidem*.

<sup>3</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 69.

<sup>4</sup> *Ibidem*, p. 71.

<sup>5</sup> Maarten PRAK, "Burghers into Citizens...cit.", pp. 405-406.

<sup>6</sup> *Ibidem*, p. 406.

<sup>7</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 70.

the state and nation formation, in the sense that the ethno-linguistic infrastructure stabilised<sup>1</sup>. Today, the stability of the nation-state is under the attack of another wave of *Völkerwanderung*, as the result of extensive transnational migration in Europe, that triggers transformations of the states, towards greater political and social disintegration. As we will see, the processes of nation-building are intimately linked with the process of democratization and state-building. In a nutshell, the Nation-State was and is, *par excellence*, the locus of the expression of popular sovereignty of a community of citizenship, linked by a common destiny – the nation. Stein Rokkan is one of the scholars who focussed his study on the relation between democracy and the nation. Central to the work of Stein Rokkan is the concept of *boundary-building*. The importance of this concept supports our argument that the dissolution of boundaries, territorially, culturally and politically, can affect the exercise of democracy, as the principle of exclusion, of boundary, lays at the core of the democratic modern state that was framed as such, as a social closure, able to support the expression of popular sovereignty of the nation. For Rokkan, *structuring* and *boundary-building* are the processes that permitted the formation of political-territorial, economic and cultural systems<sup>2</sup>. Boundary-building was linked to four processes of functional differentiation: economic-technological, military-administrative, judicial-legislative and religious-symbolic differentiation<sup>3</sup>. The processes of boundary-building, as expressed by state and nation-building and the process of democratization, linked to these processes, are translated by Rokkan into three general terms: exit, voice and loyalty, borrowed from Hirschman's *Exit, Voice and Loyalty* (1970). "Exit" refers to the state-building process of external boundaries, while "voice" refers to democratization processes. "Loyalty" is designated for the study of nation-building. Rokkan conceives the process of democratization as a dismantling of internal boundaries<sup>4</sup>, of inclusion and levelling, by the means of national citizenship. However, citizenship strengthens also the external boundaries of the political community. For Rokkan, the nation-state is the only political framework able to ensure the control over a territory. He stresses the fact that cultural systems, as well as economic system, despite having a territorial dimension, are different not only in degree, but also in kind, from the nation-state. Moreover, if there is no congruence between the cultural, economic and territorial political systems, problems of boundary-control may arise. These problems cause conflicts over resources and may lead to the reconfiguration of boundaries as well<sup>5</sup>, in terms of relaxation or strengthening (the European integration process illustrates very well Rokkan's arguments in this sense). The processes of nation-building are often intertwined with those of democratization, because membership to the nation is seen as an equal type of membership able to transcend social division. Rokkan argued that democratization was often a strategy of national unification<sup>6</sup>, such as in the case of the introduction of universal male suffrage in 1871, in the German Reich. However, national unification by the means of democratization worked only

---

<sup>1</sup> Peter FLORA, "Introduction and Interpretation", in Stein ROKKAN, *State Formation, Nation-Building and Mass Politics in Europe. The Theory of Stein Rokkan*, ed. by Peter FLORA, Stein KUHNLE, Derek URWIN, Oxford University Press. New York, 1999, p. 66.

<sup>2</sup> *Ibidem*, p. 5.

<sup>3</sup> Stein ROKKAN, *State Formation...cit.*, p. 341.

<sup>4</sup> Peter FLORA, „Introduction...cit.", p. 9.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 26.



in cases of cultural homogeneity, as in the German and Danish cases for example. Both countries experienced an early state-formation and became unitary nation-states thanks to their ethnic homogeneity. The processes of democratization are linked not only to state-building, but also to the cultural boundary-building or nation-building. Thus, Protestant nationalisation favoured political mobilization from below (like in Denmark), through the nationalisation of the Church, and through early literacy<sup>1</sup>. This consideration refers to the linguistic unification underlying nation-building. Nation-building as a boundary-building process (consisting of linguistic and religious unification, by the means of a national educational system, and often by the means of an established church) is considered in some of Rokkan's writings, as the second phase in the development of nation-states, preceding the democratization phase, and the creation of Welfare systems<sup>2</sup>. They constitute sequences of change from the feudal order to the modern one. Political systems are marked by two types of boundaries: territorial boundaries and social boundaries. Citizenship is the most important type of social boundary. Rokkan realized that the extension of citizenship rights was not only a response to class conflict (like for T.H. Marshall) but also a solution to cope with other types of cleavages, like the cultural and territorial ones<sup>3</sup>. Increased migration, European integration and the presence of secessionist movements all across the globe, show that Rokkan's theory, as well as other classical studies on nationalism and citizenship, are still pertinent as tools of analysis of present realities. In fact, today we face an overstretching of citizenship rights. The extension of rights was so radical that rights have been in fact decoupled from citizenship itself, as we can see in the case of European citizenship.

This linkage between nation-building and democracy is very well illustrated by the case of Denmark. In the 19<sup>th</sup> century, Denmark gradually developed into a homogenous nation-state, with a strong national identity provided by the congruence between language, people, nation and state<sup>4</sup>. After its loss of Schleswig-Holstein to Germany in 1864, the state concentrated on internal reforms, under the slogan "outward losses must be made up by inward gains"<sup>5</sup>. These inward gains referred of course also to the expansion of civil rights at the beginning, and later on to the expansion of political rights. Despite the absolutist rule (that draw even an absolutist constitution, the *Lex Regia*), Denmark experienced a slow democratization process starting with 1784, introducing reforms of the agrarian system, civil liberties and trade regulations<sup>6</sup>. The series of democratic reforms following military defeats, and territorial losses that created cultural homogeneity, aimed to enforce the state from within. According to Østergaard, this homogeneity empowered the peasant farmers that eventually gained hegemony over the nationalistic discourse<sup>7</sup>. Not surprisingly, in the 19<sup>th</sup> century the

---

<sup>1</sup> *Ibidem*, p. 33.

<sup>2</sup> *Ibidem*, p. 58.

<sup>3</sup> *Ibidem*, p. 69.

<sup>4</sup> Uffe ØSTERGAARD, "Paradox and Dilemma – Danish National Identity Between Multinational Heritage and Small State Nationalism", in Hans BRENNER, Morten KELSTRUP (eds.), *Denmark's Policy towards Europe After 1945: History, Theory, Options*, Odense University Press, Odense, 2000, [http://www.diis.dk/graphics/CVer/Personlige\\_CVer/Holocaust\\_and\\_Genocide/uffe\\_Paradox\\_Dilemma.pdf](http://www.diis.dk/graphics/CVer/Personlige_CVer/Holocaust_and_Genocide/uffe_Paradox_Dilemma.pdf), p. 3 (last consulted on 22.03.2010).

<sup>5</sup> *Ibidem*, p. 13.

<sup>6</sup> *Ibidem*, pp. 6-7.

<sup>7</sup> *Ibidem*, p. 7.

nationality law of 1776, the *Infødsret Act* was modified by the first Danish Constitution of 1849, and after the loss of Schleswig-Holstein, which increased the homogenization of the population<sup>1</sup>. Thus, in 1871 Denmark renounced to the doctrine of perpetual allegiance, the Danes losing their *Infødsret*, upon naturalization in another country<sup>2</sup>. What is more, in 1898, a reform introduced citizenship based on *jus sanguinis*<sup>3</sup>. The relationship between nationality and democracy is illustrated by the fact that, in many countries, the democratic developments during the 18<sup>th</sup> and 19<sup>th</sup> centuries, were accompanied by modifications of the nationality laws. The new legislations either created a new type of membership, the national citizenship that superseded urban types of membership, like in the Netherlands – where the Batavian Republic created in the spirit of the French Revolution a new category of people, the citizens of the Netherlands, to replace the *Stadtbürger*<sup>4</sup> – or modified the existing legislation elevating the status of subject to that of citizen, like in Denmark. In the Netherlands, new ideas about citizenship emerged during the 1770s and 1780s, in the period known as the Democratic Revolution, fomented by the Patriot movement that was repressed in 1787. This new model of national participatory citizenship, was inspired by the British Enlightenment<sup>5</sup>, whose ideas benefitted from a free political press, as much as in Denmark, the first country to officially declare the freedom of the press in 1770<sup>6</sup>. The Patriots linked the debate on citizenship also with the tradition of republicanism and constitutionalism<sup>7</sup>. The model of national citizenship will be successfully put forward by the Batavian Republic, in several successive forms of the new Constitution. The Constitution proclaimed the exclusivity and primacy of the bond between the citizen and the Dutch state and nation, as those who lived in another country, those “in the service of a foreign power, either ecclesiastical or secular or receiving pensions from such powers” and “members of foreign corporations that require their members to take an oath”<sup>8</sup> were deprived from voting rights and citizenship. All sorts of multiple allegiance were condemned and loyalty was not taken for granted, not to speak of multiple citizenship that was unconceivable.

According to Rokkan, all territorial structures use boundary-building strategies that can be seen in the interactions between two spaces: the geographical and the membership spaces, each characterized by a type of distance – physical in the case of the first, social and cultural in the case of the second<sup>9</sup>. The two spaces can be studied by reference to external boundary-building and to internal boundary-building. In Rokkan’s theory, boundary-building is entrenched in the history of the human societies, starting with the primordial communities<sup>10</sup>. The concern with boundaries remained with the establishment of cities that “developed strong boundaries for differentiated control of transactions”<sup>11</sup>. In time, physical and biological boundaries

---

<sup>1</sup> Eva ERSBØLL, “Denmark”, cit., pp. 105-106.

<sup>2</sup> *Ibidem*, p. 110.

<sup>3</sup> *Ibidem*, p. 113.

<sup>4</sup> Maarten PRAK, “Burghers into Citizens...cit.”, p. 411.

<sup>5</sup> *Ibidem*, p. 410.

<sup>6</sup> See John Christian LAURSEN, “David Hume and the Danish Debate About Freedom of the Press in the 1770s”, *Journal of the History of Ideas*, vol. 58, no. 1, January 1998, pp. 167-168.

<sup>7</sup> Maarten PRAK, “Burghers into Citizens...cit.”, p. 410.

<sup>8</sup> *Ibidem*, p. 412.

<sup>9</sup> Stein ROKKAN, *State Formation...cit.*, p. 104.

<sup>10</sup> *Ibidem*, p. 105.

<sup>11</sup> *Ibidem*.

have been replaced by the social boundary that is the citizenship. Several "boundary-reinforcing developments"<sup>1</sup> contributed to the creation of the nation-state: the military reforms and technologies and the printing technologies (or *print capitalism* in Benedict Anderson's terms<sup>2</sup>) merged the concept of citizenship with that of territorial identity, in other words, forging the nations. Another development, this time, "boundary reductive"<sup>3</sup> added up: capitalism. Rokkan manages to underline the importance of some factors in boundary-building that will be later developed into major theories on nation-building (the theories of Ernest Gellner and of Benedict Anderson). Rokkan traced a typology of boundary-defining processes that characterised the emergence of nation-states: territorial centre-building, cultural boundary-building and economic boundary-building<sup>4</sup>. The configuration of these processes and their timing sets the conditions for democratization (*voice*). Thus, from Rokkan's theory, we cannot separate the concept of boundary and exclusiveness from the modern state and from democracy itself. In the present context of the dissolution of boundaries, the question is how will the democratic states cope with this situation on the long term, and if major changes will be brought to the state-system and to the democratic regimes as we know them.

The concept of boundary in state-formation is also central in the work of Joel Migdal. Migdal observes that little was said of the relationship between boundaries and sovereignty and about the political and cultural meanings attached to them<sup>5</sup>. Little emphasis was put on the feeling of belonging that underlies borders and boundaries. Borders and boundaries usually are built upon this feeling of belonging. Without it, social and political disintegration occurs, and all nation-building processes fail. The recent literature on citizenship illustrates very well this trend, together with numerous studies on sovereignty, transnationalism, European integration and globalization, arguing that boundaries are impermanent structures, dependent on certain contexts<sup>6</sup>. Thus citizenship, a status that consecrated these boundaries is the first to lose its importance and to be decoupled from a sense of belonging, remaining just another identity, subject to the rational calculus of costs and benefits of the individual, that are translated in the case of citizenship in terms of duties and rights. Are we facing a desacralization of citizenship with the increased instrumentalization of it? Doesn't this profanation of national citizenship affect democracy in itself? Isn't the symbolic dimension of citizenship and the prestige of this membership lost?

Boundaries designate exclusive spaces of particularity, because they

"signify the point at which something becomes something else, at which the way things are done changes, at which 'we' end and 'they' begin, at which certain rules for behaviour no longer obtain and others take hold"<sup>7</sup>.

---

<sup>1</sup> *Ibidem*, p. 106.

<sup>2</sup> Benedict ANDERSON, *Imagined Communities. Reflections on the Origin and Spread of Nationalism*, Verso, London and New York, 1991, pp. 37-46.

<sup>3</sup> Stein ROKKAN, *State Formation...cit.*, p. 106.

<sup>4</sup> *Ibidem*, p. 229.

<sup>5</sup> Joel S. MIGDAL, "Mental Maps and Virtual Checkpoints. Struggles to Construct and Maintain State and Social Boundaries", in IDEM (ed.), *Boundaries and Belonging*, Cambridge University Press, Cambridge, 2004, p. 3.

<sup>6</sup> *Ibidem*, p. 4.

<sup>7</sup> *Ibidem*.

Nations and states design spaces of membership that express particularities. The exclusiveness of such spaces expresses precisely this idiosyncratic character that is part of their *raison d'être*. Migdal isolates two constitutive elements of boundaries: *checkpoints* and *mental maps*<sup>1</sup>. Checkpoints are used to enforce separation and are an indicator of membership and usually use rewards and sanctions. Citizenship acts as such a checkpoint, as a boundary marker. The mental maps refer to the construction of boundaries in the collective mind. They contain representations of the boundaries, the emotions and loyalties they evoke, and other frames of interpretation. Checkpoints and mental maps use categories of inclusion/exclusion in order to enforce solidarity between groups. Mental maps are cognitive artefacts that emerge also in the nation-building processes. Migdal emphasizes the fact that alterity is intrinsic to the human nature, and also to the nature of nations, and that it emerges from the need of security of the individuals<sup>2</sup>. Citizenship, as well as other categories such as language, skin colour, dress codes, separate the familiar from the unfamiliar, the latter being associated with insecurity. Of course these differences have been enforced discursively in times of war and conflict, as a means of legitimation. A good example is that given by the Yugoslav wars, during which a complex discourse on the differences between the Yugoslav peoples has been put forward, despite their living together for many years. Movements of self-determination use the same discursive logic, whether we speak of *state-framed nationalism* – as in the German case that emerged as a response against French nationalism – or *counter-state nationalism*<sup>3</sup> – as in the case of the national movements inside the Habsburg Empire. Not surprisingly the independence of Slovakia revived the arguments for Slovak self-determination that were put forward already during the first Czechoslovak republic, and that emphasized precisely the differences between the two nations. As the boundaries of the state coexist with different boundaries between groups, inside the state, it is no surprise that, at times, these boundaries tend to clash. Moreover, the official boundaries, like citizenship, are contested and often reconstructed. The contestation of boundaries can result in a war (like in the Yugoslav case), or can take non-violent forms, such as the demands of various national minorities or immigrants. Citizenship is not only an essential status of the individual's life, but it configures a space of safety, namely the state<sup>4</sup>. Multiple citizenship constitutes a challenge and a contestation of modern boundaries. It consecrates the existence of overlapping communities of belonging that were supposed to be mutually exclusive. Thus, multiple citizenship is one of the developments marking the dissociation of citizenship from the national identity. It is no longer pointing to membership to a nation, it is no longer an identity. It is a mere legal status, amongst others. Citizenship was conceived as a status aiming to maintain the separation of a state from the rest of the international milieu, but also the separation between state and society, the two contracting parties of the social-political contract<sup>5</sup>. This distinction between state and society is at least in part, abolished by the nation-building processes and nationalism.

---

<sup>1</sup> *Ibidem*, p. 6.

<sup>2</sup> *Ibidem*, p. 10.

<sup>3</sup> The two concepts are coined in Rogers BRUBAKER, "The Manichean Myth: Rethinking the Distinction Between 'Civic' and 'Ethnic' Nationalism", in Hanspeter KRIESI *et al* (eds.), *Nation and National Identity: The European Experience in Perspective*, Ruegger, Zürich, 1999, pp. 55-71.

<sup>4</sup> Joel S. MIGDAL, "Mental Maps...cit.", p. 16.

<sup>5</sup> *Ibidem*, p. 18.

These processes have strived to enforce the individuals' loyalty to the political units, by popularizing a whole state ideology that rests on the principle of popular sovereignty, which places the people above the state. In this respect, states have always sought to make coincide the political boundaries with the social-psychological ones, or the mental maps of the individuals<sup>1</sup>. Obviously this goal is becoming harder to achieve in the context of globalization, and the expansion of multiple citizenship illustrates very well the appearance of a Cinderella-shoe complex: the boundaries of the political of the states are too tight to accommodate the social-psychological ones that are becoming more denationalized. As Migdal argues, sometimes overlapping boundaries and mental maps can be accommodated, but more often they "tear people in different directions"<sup>2</sup>. Thus, multiple citizenship is one of the

"varying systems of status"<sup>3</sup> that "hit up against one another, forcing people to create a hierarchy inducting them to choose which boundaries, principles, and practices to submit to and which to violate [...] It is in such situations that one finds the sites of social struggle and social change"<sup>4</sup>.

### *The Symbolic Dimension of Citizenship*

States are characterized by a certain set of practices that consecrate their boundaries and their particularities among other actors of the international arena. The checking of passports at the frontiers is such a practice that has a symbolic dimension. The fact that border guards from the checkpoints wear guns to limit the free movements of individuals symbolizes the monopole of the state over legitimate coercion, as expression of the sovereignty of the people to control the flow of aliens on its territory. Oaths of allegiance upon naturalization are also an expression of the symbolic dimension of citizenship. They emphasize that *trust* lies at the very foundation of democracy. As we have seen, the theories on state- and nation- building emphasize the saliency of values, such as trust and solidarity, that must be endorsed by individuals through cognitive processes that define and redefine the Familiar and the Other. Oaths of allegiance are present already in ancient Athens, where every man reaching 20 years was registered and had to swear an oath<sup>5</sup>. Some European countries have introduced citizenship ceremonies following the example of the US. Although the symbolic dimension has decreased over the last century, being affected by the overall devaluation of national citizenship, we must not forget that the symbolic of citizenship points out to the saliency of the state as membership association. Already in the 17<sup>th</sup> century, the urban citizenship, predecessor of national citizenship, was endowed with an important symbolic dimension. In the Netherlands, citizenship was confirmed by the swearing of an oath in the hands of the magistrates, in which the individual promised its loyalty to the States-General, to the stadholder and to the city

<sup>1</sup> *Ibidem*, p. 19.

<sup>2</sup> *Ibidem*, p. 23.

<sup>3</sup> *Ibidem*.

<sup>4</sup> *Ibidem*.

<sup>5</sup> According to Denis DIDEROT and Jean D'ALEMBERT, *L'Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, entry "citoyen", available online [http://www.lexilogos.com/encyclopedie\\_diderot\\_alembert.htm](http://www.lexilogos.com/encyclopedie_diderot_alembert.htm) (last consulted on 10.01.2010).

of course<sup>1</sup>. The individual swore to "remain *loyal* to my co-citizens, until *death do us part*"<sup>2</sup>. This form of the oath that is very similar to a rite of passage, consecrated the entry in a sacred union, quite similar to that of marriage<sup>3</sup>. The last part of the oath depicts urban citizenship as the link to the city that often passes through death and sacrifice. The special relation between the citizen and its town was underscored also by other symbolic gestures. As fires were a great danger to the towns of that period, medals of honour were handed to those who changed the facades of their house from wooden into stone<sup>4</sup>. Another ritual was that the new citizens present a fire-basket to the town where there were no professional fire brigades<sup>5</sup>. The loyalty clause contained by citizenship was perpetuated during the Batavian Republic, as every citizen who registered to vote agreed to renounce to "all relations with other nationals and to belong to no other than the Dutch Republic"<sup>6</sup>. This oath emphasizes the exclusivity and particularity of the bond between the citizen and the state and nation and rejects all forms of multiple allegiance including citizenship. At the same time it proclaims the sovereign nation as the source of political rights. Multiple citizenship undermines the symbolic dimension of citizenship. It constitutes in this respect, a desacralization, a profanation of the special bond between State and citizen and between the co-citizens. As citizenship becomes just another status among many others, some states decided however to maintain citizenship ceremonies. The UK started to hold ceremonies since 2004, as stated in the Nationality, Immigration and Asylum Act of 2002. Before the introduction of the ceremony, the applicant also had to swear an oath, but all was done by bureaucratic means. The ceremonies contain speeches of local incumbents and an oath of allegiance in which the individual swears as follows:

"I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen"<sup>7</sup>.

The Netherlands and France also reintroduced ceremonies in 2003 and 2006<sup>8</sup>. The Netherlands introduced in 2009 also a declaration of solidarity to accompany the citizenship ceremony<sup>9</sup>. Denmark also introduced a voluntary ceremony upon

<sup>1</sup> Maarten PRAK, "Burghers into Citizens...cit.", p. 405.

<sup>2</sup> *Ibidem*.

<sup>3</sup> Dual citizenship was in fact associated with bigamy. George Bancroft considered that the logic behind the repudiation of bigamy and that behind the repudiation of dual citizenship are the same. See Rey KOSLOWSKI, "Demographic Boundary Maintenance in World Politics: Of International Norms on Dual Nationality", in Mathias ALBERT, David JACOBSON, Yosef LAPID (eds.), *Identities, Borders, Orders, Borderlines* series, vol. 18, University of Minneapolis Press, Minneapolis, 2001, p. 206.

<sup>4</sup> Maarten PRAK, "Burghers into Citizens...cit.", p. 406.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 412.

<sup>7</sup> Maarten VINK, Gerard René de GROOT, "Citizenship Attribution in Western Europe. International Framework and Domestic Trends", *Journal of Ethnic and Migration Studies*, vol. 36, no. 5, 2010, online version [http://www.fdcw.unimaas.nl/staff/files/users/215/Vink%20and%20De%20Groot\\_JEMS.pdf](http://www.fdcw.unimaas.nl/staff/files/users/215/Vink%20and%20De%20Groot_JEMS.pdf), p. 23 (last consulted on 27.05.2010).

<sup>8</sup> *Ibidem*.

<sup>9</sup> Ricky van CERS, Betty de HART, Kees GROENENDIJK, "Report on the Netherlands", April 2010, *EUDO Citizenship Observatory*, European University Institute, available online <http://eudo-citizenship.eu/docs/CountryReports/Netherlands.pdf> (last consulted on 25.05.2010).

naturalization in 2005. Moreover, the applications for naturalization are included into a bill on naturalization that is submitted each year to the Folketing which has to vote the bill<sup>1</sup> as a symbol that each naturalization represents the will of the people to enlarge its membership. In 2006, the Presidium of the Parliament organized a celebration for the new citizens on a day that was declared a nationality day (26 March)<sup>2</sup>. This fact shows the important symbolic dimension of citizenship that differentiates it from other types of identity, despite its erosion by the globalization processes.

### *National Citizenship and Liberalism: The Liberal-Nationalist Stance*

Multiple citizenship has been long regarded by jurists as a source of conflicting loyalties that undermines the states. However, the conflict is not only one of loyalties, it can be also a cultural type of conflict. This is because the particularity of nations is not only expressed by ethnicity, but is most visible in terms of culture. Nations are cultural artefacts, therefore citizenship is more than a legal status. It subsumes loyalty to a set of values and principles that have become *nationalized*, as part of a process that potentiates the authenticity and incommensurability of each political community. The purification of culture, through authentication which leads to exclusion, the universalization of uniqueness through nation-building have been part of the emergence of modern polities according to Anthony D. Smith<sup>3</sup>. By dissolving the boundaries of membership, multiple citizenship undermines the concreteness and particularity of the nation for the sake of a promised cosmopolitan citizenship, and of a cosmopolitan culture that despises in the end diversity and pluralism. Multiple citizenship is regarded also as the bastion of liberalism and of individual rights in battle with nationalism and communitarianism. However, we will show that democracy rests on the symbiosis of liberalism and nationalism and that multiple citizenship cannot be defensible from a liberal point of view.

Contrary to postnationalists, liberal-nationalists emphasize the salience of national identity in the viability of liberal democracy. This stance is in opposition to the postnationalist one, according to which social and political integration can do without nationality. For liberal nationalists however democracy requires integration in a liberal national culture that is referred to as a *contextual culture* (Tamir) or a *culture of choice* (Kymlicka). Moreover, democratic institutions cannot function without a particular culture, against the theory of the neutral state. The impossibility to separate state and culture is contained by the concept of political culture. Yael Tamir argues, following Lucian Pye and Clifford Geertz, that the political institutions of a state are rooted in a particular national culture. Thus, political institutions are expressions of cultural identity<sup>4</sup>. Contrary to the postnationalist thesis on integration, that we can find in Habermas's writings, the liberal nationalists treat cultural particularity in

---

<sup>1</sup> Eva ERSBØLL, "Denmark", cit., p. 139.

<sup>2</sup> *Ibidem*.

<sup>3</sup> Anthony D. SMITH, "Culture, Community and Territory: The Politics of Ethnicity and Nationalism", *International Affairs*, vol. 72, no. 3, 1996, p. 445.

<sup>4</sup> Yael TAMIR, *Liberal Nationalism*, cit., p. 148.

functionalist terms<sup>1</sup>. In his defence of the nation-state, David Miller underlines the particularity of the national identity in relation to other types of identities. He stresses the fact that the nation is a community of obligation, a moral community, based on mutual aid<sup>2</sup>. Moreover, nations are founded on the belief of the existence of common traits between individuals that differentiates them from other people<sup>3</sup>. These two characteristics of national identity are at odds with multiple citizenship that however could represent a challenge also for Habermas's "constitutional patriotism", because multiple nationality entails split allegiance to different sets of political principles and institutions. Dominique Schnapper, for example, criticizes the abstract nature of "constitutional patriotism" on the reason that it cannot develop integration and solidarity. Furthermore, the particularity and concreteness of a political community legitimates the very existence of states. According to Schnapper, the nation "integrates the population in a community of citizens whose existence legitimates the interior and exterior action of the state"<sup>4</sup>. Tamir also emphasizes that states ought to derive their legitimacy from a nation, as testified by the historical processes that saw the emergence of modern states<sup>5</sup>. Thus postnational integration that is embodied by multiple citizenship, could not be viable. This is because the national culture that embodies patterns of behaviour, social and political norms, language and symbols, enables mutual recognition<sup>6</sup>. This mutual recognition is used to separate members from non-members<sup>7</sup>. Increased migration, correlated with postnationalist integration, is likely to disturb the mutual recognition between members, as multiple citizenship legitimates the existence of different, even antagonistic national cultures. In the next part, we will show that such postnational "integration" is likely to cause problems.

The dilemma with multiple citizenship can be formulated as follows: should citizenship reflect this moral dimension of the national identity? Or should it be just the result of an individual choice, as postnationalists argue? I start by saying that we cannot separate the individual life from the collective one. An individual cannot have rights and freedoms living alone, in isolation, in a state similar to the state of nature. If he was alone, he would not have need of rights and freedoms that come precisely from his relationship to the Other. Rights are needed to protect its own liberty in relation to the others. The presence of the Other is essential in this political equation. Rights and freedoms do not stem from the egotistic relation with the Self but from the social contact with the Other. The concept of rights and freedoms has no relevance in a context of social isolation, although the individual is the locus of these rights and freedoms. Our reasoning is convergent with the theory of the social contract in this matter. Rights and freedoms cannot be separated from the social and political state. This is why the humanitarian ethic cannot provide a base for political rights. The human nature of the individual that is manifested also in the apolitical state of nature does not result in a need for rights. The concept of individual exists in a dialectic with

---

<sup>1</sup> Arash ABIZADEH, "Liberal Nationalist...cit.", p. 239.

<sup>2</sup> David MILLER, "The Nation-State: A Modest Defence", in Chris BROWN (ed.), *Political Restructuring in Europe. Ethical Perspectives*, Routledge, London and New York, 2005, p. 135.

<sup>3</sup> *Ibidem*, p. 136.

<sup>4</sup> Dominique SCHNAPPER, *La communauté des citoyens. Sur l'idée moderne de nation*, Gallimard Folio, Paris, 2003, p. 45.

<sup>5</sup> Yael TAMIR, *Liberal Nationalism*, cit., p. 60.

<sup>6</sup> *Ibidem*, p. 68.

<sup>7</sup> *Ibidem*.



the collective. This is why, when referring to individual rights, we refer to citizenship rights. The individual is the citizen, whereas humanity being a general category does not subsume rights and duties, because it does not entail a dialectic relation. Why should a human being have rights and freedom if humanity of all individuals does not constitute a possible conflict between human beings? As humanity does not really entail a particularity, it does not set the man apart from others, as individuality does, so why should it be a source of rights? Humanity cannot claim rights for a particular being; this would be possible only from the point of view of the relation between human beings and non-human animal beings. The dialectic relation with the animal nature, sets its particularity and makes it a source of human rights, that cannot be however of political nature, but at most of a moral nature<sup>1</sup>. Thus, against the postnationalist stance, the rights cannot be detached from the status of citizen and rooted in a humanistic nature of the individual.

The middle ground in the liberal-communitarian debate is represented by the mixture of holism and individualism in Charles Taylor's opinion, that is in fact proposed by liberal nationalism. According to this stance, national identity, if is imbued in liberal values, leads to an individualistic way of life. A liberal national contextual culture furthers individualistic values. This liberal national culture could be associated with what Charles Taylor consider to be a condition for a democratic society: a commonly recognized definition of the good life that he coins by the term of patriotism<sup>2</sup>. For Taylor common identities are necessary for democracy:

"Since participatory self-government is itself usually carried out in common actions, it is perhaps normal to see it as properly animated by common identifications"<sup>3</sup>.

The patriotism conceptualized by Taylor involves a love for the particular<sup>4</sup>, that is so hated by postnationalists. It also represents a "common identification with a historical community founded on certain values"<sup>5</sup>. Because patriotism incorporates self-rule in its definition of freedom<sup>6</sup>, it follows that multiple citizenship as anti-patriotic membership cannot be compatible with individual freedom.

Against the postnationalist and liberal egalitarian stances, Kymlicka argues that the restriction on citizenship, regarded as a group-differentiated right, is compatible with liberalism. The boundedness of the national membership is necessary both to protect the individual's rights and freedoms and to protect the people's cultural

---

<sup>1</sup> Individuals are endorsed with a moral status that has been denied to animals. This denial was justified in multiple ways by the Western philosophy, and especially by Christianity, that legitimated the exploitation and massacre of animals, by their humanistic ethic, that proclaimed human superiority in moral terms. However, the new field of animal ethics tries to present arguments for considering non-human beings as moral beings as well.

<sup>2</sup> Charles TAYLOR, "Cross-purpose: the liberal-communitarian debate", in IDEM, *Philosophical Arguments*, Harvard University Press, Cambridge, London, 1997, p. 182.

<sup>3</sup> *Ibidem*, pp. 192-194.

<sup>4</sup> *Ibidem*, p. 198.

<sup>5</sup> *Ibidem*, p. 199.

<sup>6</sup> *Ibidem*.

membership<sup>1</sup>. The preservation of cultural membership is defensible from the liberal standpoint as

“liberals implicitly assume that people are members of societal cultures, that these cultures provide the context for individual choice, and that one of the functions of having separate states is to recognize the fact that the people belong to separate cultures”<sup>2</sup>.

Drawing on Rawls, Kymlicka posits that the more a culture is liberalized, the more the people are likely to share basic values with people in other liberal cultures and to reject traditional ways of life<sup>3</sup>. However, Kymlicka observes that cultural identification are still strong and it is unlikely for them to die out:

“I suspect that the causes of this attachment lie deep in the human condition, tied up with the way humans as cultural creatures need to make sense of their world, and that a full explanation would involve aspects of psychology, sociology, linguistics, the philosophy of mind, and even neurology”<sup>4</sup>.

Now, multiple citizenship illustrates the inability to transcend this ontological dimension of nationality, that is likely to affect integration. By preserving their birth citizenship upon naturalization, dual citizens refuse also to renounce to their cultural identity that however might subsume beliefs and values that are against the cultural background of their country of adoption. Kymlicka acknowledges the fact that open borders would lead to the disappearance of distinct national cultures<sup>5</sup>. As a product of open borders, multiple citizenship has every means of undermining cultural distinctiveness. If liberals take for granted the fact that freedom and equality is defined within a society and culture<sup>6</sup>, then migration gives rise to competing understandings of freedom and equality that cannot be accomplished each without sacrificing the cultural particularism of the states. By allowing multiple national allegiance, the states are sabotaging themselves because they accept such competing understandings of equality and freedom. This statement will be developed in the next part that will focus on some examples of this nature. Besides, as Kymlicka points out, if liberals are really committed to liberal principles they cannot endorse cultural membership uncritically<sup>7</sup>.

The cultural baggage of the citizenship is very well expressed by the French case. As Brubaker points out, “while French nationhood is constituted by political unity, it is centrally expressed in the striving for cultural unity”<sup>8</sup>. This is why one major requirement for naturalization in France remains the proof of assimilation. Recently, the cultural and political unity of the French nation and state has been under the attack of the *burqa*. The case of the *burqa* or the integral Islamic veil is very suggestive as it gave rise to debates not only in France, but also in Belgium,

---

<sup>1</sup> Will KYMLICKA, *Multicultural Citizenship...cit.*, p. 125.

<sup>2</sup> *Ibidem*.

<sup>3</sup> *Ibidem*, p. 87.

<sup>4</sup> *Ibidem*, p. 90.

<sup>5</sup> *Ibidem*, p. 93.

<sup>6</sup> *Ibidem*.

<sup>7</sup> *Ibidem*, p. 94.

<sup>8</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 1.

the Netherlands, Denmark and Italy, as we will see in the next part. Despite that fact that many *burqa* wearers are citizens of these states, they seem to reject some important political values that lie at the basis of democracy in these countries. In this respect, the case of the *burqa* represents a disruption of the political unity, not only of the cultural unity of the states in question. Now, France has one of the most open and liberal citizenship policies that allows with no restrictions multiple citizenship. However, we argue that the tension between this very liberal citizenship regime and the conceptualization of the French nationhood is likely to give rise to social tension and to affect the national cohesion of the French state. The "crusading universalism of the French tradition" is in contradiction to the existence of multiple citizenship in fact. As individuals carry beside the French citizenship, another citizenship, this latter one is likely to carry, as well as the French one, a cultural dimension that may be at odds with the civic republicanism of the French state. The tension between multiple national membership and the cultural particularity of the nations has its roots in the French Revolution, whose ideology influenced the crystallization of nationhood in several European countries as a result of the French invasions, but also as a result of the 1848 European spring of peoples that mirrored the 1789 French Revolution. The strength of civic republicanism claimed by the French Revolution as the core of democracy contained the seeds of the period of unchained violence that followed, known as the Terror. The period of the Terror that coincided also with the crusading of the French troop in Europe were not expressions of an ethno-cultural nationalism but of a political-ideological one<sup>1</sup>. The centralization and integration in the state and nation took a violent turn and were followed by accesses of authoritarianism (first and second Empires of Napoleon I and Napoleon III), that ironically were presented as accomplishing the ideals of the Revolution, the creation of a nation of equal citizens, that is, a homogenous and well bounded *demos*. The French case illustrates very well the tension that exists between democracy and liberalism. Because of the political convulsions experienced by France in the 19<sup>th</sup> century, the French Revolution became what seemed to be a never-ending revolution, fact that led François Furet argue that the French Revolution ends after 1880. Not surprisingly it is in the 1880s that the "assimilationist internal nationalism" formed the setting of the expansive reform of citizenship whose provisions constitute the backbone of the present day citizenship regime<sup>2</sup>. There are alternative explanations for the very liberal French citizenship law that emphasize the early democratization, the colonial experience and the partisan confrontation<sup>3</sup>, but Brubaker is best suited for our arguments. Thus, the expansion of citizenship did not follow the logic of demographic or military imperatives, but was rather the furthering of the political interest, convergent with the republican civic ideology which emphasized the nation in arms, that is universal and equal military service<sup>4</sup>. Second-generation immigrants were exempted from this duty, contrary to this national ideology of the French Revolution. For this reason emerged the need to expand citizenship to this category of *prétendus étrangers*<sup>5</sup>.

---

<sup>1</sup> *Ibidem*, p. 8.

<sup>2</sup> *Ibidem*, p. 11.

<sup>3</sup> See Marc Morjé HOWARD, *The Politics of Citizenship in Europe*, Cambridge University Press, Cambridge, 2009.

<sup>4</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 14.

<sup>5</sup> *Ibidem*.

Hence situations as that created by the wear of the *burqa* are emerging in Europe. The *burqa* is considered to be an antidemocratic and antinational element in France. Regarded as an instrument of oppression of women, – gender equality being an essential value of the French Republic –, the *burqa* has no religious relevance in the debate, but remains the symbol of traditional patriarchal societies that deny to women their rights and freedoms. Furthermore, the *burqa* is considered to be a threat to national security, as a person cannot be identified immediately in public and legitimated. In some respects, multiple citizenship and the case of the *burqa*, more particularly, illustrate that an extensive citizenry given by economic, demographic or military considerations, is likely to affect the legitimacy of the state and social cohesion if it does not follow the interest of the state as “mediated by self-understandings, by cultural idioms, by ways of thinking and talking about nationhood”<sup>1</sup>.

Citizenship carries therefore a political and ideological burden as nationhood is often based on certain political principles. In the Netherlands for example, during the Batavian Republic, each citizen had to swear an oath condemning the previous regime on registration to vote<sup>2</sup>. A declaration of adherence to the new regime and the condemnation of federalism was also needed<sup>3</sup>. A recent case illustrates as well the ideological burden that citizenship can carry. Recently, a member of a German leftist party, the *Die Linke*, has been denied citizenship on the basis that the programmatic and ideological orientation of the party was incompatible with the liberal democratic principle of the Basic Law<sup>4</sup>. Even if Brubaker argues that the German nationhood was not originally political, this example illustrates how German citizenship acquired, after 1945, a more important political dimension, and how the nation became also a bearer of universal political values, as in France. In addition to this, the attack of the political values that underlie the German nation was conceived as an attack upon the German state, as the *Die Linke* party was supervised by the intelligence services.

### *Multiple Citizenship and Social Integration*

Most authors agree that the automatic loss of birth citizenship upon naturalization acts as a deterrence for the emigrants’ naturalization. Thus, for most, it is seen as an obstacle to complete integration. I would argue that it is the opposite. The approval of dual citizenship is not only a setback in history to the doctrine of perpetual allegiance (that paradoxically was let go as to allow naturalisation in another country) but acts as an obstacle to integration, by allowing the emigrant to retain “back up” options in keeping his birth citizenship (for example, he can buy properties in his birth country). By decreasing the costs of naturalization and by permitting the accumulation of citizenships, the states allow to the resident to maintain the ties with their countries of origin and to the culture of their birthplaces. As culture is a constituent element

---

<sup>1</sup> *Ibidem*, p. 16.

<sup>2</sup> Maarten PRAK, “Burghers into Citizens...cit.”, p. 413.

<sup>3</sup> *Ibidem*.

<sup>4</sup> Anusheh FARAHAT, “Germany: Denial of Naturalisation on Grounds of Ideological Orientation”, 10 March 2010, [http://eudo-citizenship.eu/index.php?option=com\\_content&view=article&id=257:germany-denial-of-naturalisation-on-grounds-of-ideological-orientation&catid=5:news&Itemid=7](http://eudo-citizenship.eu/index.php?option=com_content&view=article&id=257:germany-denial-of-naturalisation-on-grounds-of-ideological-orientation&catid=5:news&Itemid=7) (last consulted on 22.03.2010).

of membership and identity, but also of the state, and democracy as we have seen, dual citizenship can entail symbolic conflict at the level of the political culture and of democracy. We will exemplify this conflict by reference to the case of the *burqa* of great actuality in Europe and by the case of the Rushdie affair. By allowing dual citizenship, states actually make emigrants understand that even after naturalization they can keep their traditions and their values, that naturalization does not require actually integration, political socialization and cognitive transformation, because by allowing multiple nationality states recognize the other national identity (the birth citizenship) that bears an important cultural burden, as legitimate. Thus multiple citizenship would encourage the claims for multiculturalism and for collective rights. This leads to a symbolic and cultural conflict that can weaken the democratic political culture and democracy itself.

The wear of the *burqa* or the integral Islamic veil, is seen by the western countries as irreconcilable in conflict with some of their democratic principles, among which the equality and dignity of women. The *burqa* is considered to be a means of oppressing women, by the covering of their bodies and faces that contributes to a sexualisation of the female body. The wearing of the *burqa* is of course in strong opposition with the movement of liberation of women, part of the sexual revolution of the '60s that saw the rise of postmaterialism and that had an important impact on the Western democracies. Not surprising, the change of gender roles and of the gender attitudes had an echo in politics, by the increase of women political participation, but also by the fact that gender equality was at some degree incorporated in the political culture of the western democracies. In terms of gender roles and attitudes, western democracies are opposed to the Islamic countries, characterized by strong patriarchalism<sup>1</sup>. Kenneth Lawson argues that:

"If we think of the state as a social network with a multiplicity of nodes and competing understandings, it seems plausible that the boundaries are fluid in terms of defining what is a core national value, and what is marginal. Moreover, the official agents of the state are themselves likely to be dependent on these networks to generate and reproduce the social boundaries of nationalism"<sup>2</sup>.

Competing understandings of the women's role and of other issues as well, can therefore affect the cohesion of the nation. Emigration encourages the multiplicity of nodes within the national social network, as well as the chances for different understandings of what the boundaries of the legitimate are, or for what the values of the political culture are.

The ban of the *burqa* stirred debates in many European countries. Belgium forbade the wearing of the *burqa* in public places on reasons of public security, establishing the sanctioning with a fine between 15-25 Euros, but also the possibility of imprisonment

---

<sup>1</sup> See Pippa NORRIS, Ronald INGLEHART, "Cultural Barriers to Women's Leadership. A Worldwide Comparison", Paper for Special Session 16 "Social Cleavages and Elections", 3<sup>rd</sup> August 2000 at the *International Political Science Association World Congress*, Quebec City, p. 4 and Amal SABBAGH, "The Arab States Enhancing Women's Political Participation", in Julie BALLINGTON, Azza KARAM (eds.), *Women in Parliaments. Beyond Numbers*, International IDEA, Stockholm, 2005, pp. 54-56.

<sup>2</sup> Kenneth LAWSON, "Belonging to the Nation and Not", in Joel MIGDAL, *Boundaries and Belonging*, Cambridge University Press, Cambridge, 2004, p. 178.

at the will of the local authorities. The bill was approved in April 2010 with the support of all five parties from the coalition government<sup>1</sup>.

The ban of the *burqa* has been a hot issue also in the Netherlands. The issue of the *burqa* ban was launched in the Netherlands by the Integration minister Rita Verdonk<sup>2</sup>, after the murder of Theo Van Gogh, which produced also a change of the citizenship law. The explanations of a Dutch MP, Geert Wilders, point out to the cultural and symbolic conflict behind its wearing:

"We don't want women to be ashamed to show who they are. Even if you have decided yourself to do that, you should not do it in Holland, because we want you to be integrated, assimilated into Dutch society. If people cannot see who you are, or see one inch of your body or your face, I believe this is not the way to integrate into our society"<sup>3</sup>.

Now, the cultural clash with Islam has been more than evident in the Dutch society with the murder of the Dutch filmmaker Theo van Gogh, that enforced the connection between Islam and terrorism. By consequence, the *burqa* ban has been linked with the fight on terrorism: "We have problems with a growing minority of Muslims who tend to have sympathy with the Islamo-fascistic concept of radical Islam"<sup>4</sup>. Unfortunately, we cannot say that there is no evidence to support this correlation. For example, in a small city of Belgium, Maaseik, that banned the *niqab*, five of the six women who wore it, renounced to it except one, who coincidence or not, is married to a suspect held in connection with the Madrid bombings<sup>5</sup>. However, till now, the decision of the government has been to ban the *burqa* only from government institutions and from schools<sup>6</sup>.

Denmark witnessed also a scandal, following the appearance of some caricatures of prophet Muhammad in the Danish newspaper *Jyllands-Posten*. What is interesting is that the ban of the *burqa* in public places has been proposed by the founder of the movement of Democrat Muslims, also MP, who argued that: "The *burqa* is non-Danish!"<sup>7</sup>. This is proof of the better integration of the Muslim emigrants, in the context in which the Danish citizenship law strictly forbids multiple citizenship. Not surprisingly, the measure is part of a package of measures meant to encourage integration of emigrants. However, the Danes did not declare the *burqa* illegal, but instead left to the institutions and enterprises the decision of its ban. The prime-minister Rasmussen announced draughtly that the *burqa* represents a conception of women that

<sup>1</sup> "Belgian Parliament Votes the Ban of the Islamic Veil", *Reuters*, 29 April 2010, <http://www.reuters.com/article/idUSTRE63S4LH20100429> (last consulted on 15.05.2010).

<sup>2</sup> Anthony BROWNE, "Dutch Unveil the Toughest Face in Europe with a Ban on the *Burka*", 13<sup>th</sup> October 2005, *The Times*, <http://www.timesonline.co.uk/tol/news/world/europe/article577915.ece> (last consulted on 15.05.2010).

<sup>3</sup> Mark MARDELL, "Dutch MPs to Decide on *Burqa* Ban", 16<sup>th</sup> January 2006, *BBC News*, <http://news.bbc.co.uk/2/hi/europe/4616664.stm> (last consulted on 15.05.2010).

<sup>4</sup> *Ibidem*.

<sup>5</sup> *Ibidem*.

<sup>6</sup> "The Netherlands: Government Said to Back Off *Burqa* Ban", *The New York Times*, 24<sup>th</sup> January 2008, <http://www.nytimes.com/2008/01/24/world/europe/24briefs-burqa.html> (last consulted on 15.05.2010).

<sup>7</sup> "La *burqa* n'est pas Danoise", *Presseurop*, 17 August 2009, <http://www.presseurop.eu/fr/content/news-brief-cover/77931-la-burqa-nest-pas-danoise> (last consulted on 15.05.2010).

is out of place in the Danish society<sup>1</sup>. The decision was taken at the recommendation of a commission from the Copenhagen University that produced a report on the *burqa* in Denmark.

In France, Nicolas Sarkozy decided at the end of April 2010 that the government may present a bill for the total ban of the *burqa*, despite the reluctance of the Council of State, after a meeting with the prime-minister, and with the leaders of the parliamentary groups, the main arguments for the ban being the dignity of women, and the respect of the national values<sup>2</sup>. One delicate issue is, in France, the fact that the majority of *burqa* wearers are French citizens who do not want to embrace the values of the French Republic, mainly the equality between men and women, and the secular spirit of the Republic. About 75% of the women who wear a *burqa*, are French citizens, while 25% are French women converted to Islam<sup>3</sup>. Now, as the majority of these women are dual citizens, as a consequence of the French citizenship law, the issue of the *burqa* entails a clash of cultures, and competing views about gender roles, about the condition of women and about democracy in the end. Their refusal is a symptom of social disintegration, and of the failure of the integrative powers of French civic republicanism, and undermines both the French nation and state, which are, at a certain degree, cultural products. This is because, historically, the French type of nationalism proved to be suspicious of pluralism, conceiving the "people" as one and indivisible body. Paradoxically, the French political culture and French nationhood came into conflict with the allowance of dual citizenship, that is seen as a legitimation of cultural pluralism and of collective rights from the part of the French Salafist<sup>4</sup> Muslims. In truth, the French state does not ask these women to relegate their birth citizenship with all its cultural implications. They are not obliged to make a choice between two *Weltanschauung*, to renounce to their cultural identity and to embrace a new one. Moreover, the question of the *burqa* stirred up also other delicate issues, after a woman wearing the *burqa* behind the wheel was stopped by the police in Nantes. Following this incident and the women's complaint, her husband has been accused of polygamy and his wives of illegally benefitting from social allocations for single parents, after the investigations of the police. Thus, the minister of the Interior said he would consider the withdrawal of his French citizenship and ordered further investigations<sup>5</sup>. This debate shows the salience of the cultural dimension of citizenship

---

<sup>1</sup> "Le Danemark limite le port de la *burqa*", *Le Figaro*, 28 January 2010, <http://www.lefigaro.fr/flash-actu/2010/01/28/01011-20100128FILWWW00666-le-danemark-limite-le-port-de-la-burqa.php> (last consulted on 15.05.2010).

<sup>2</sup> Bruno JEUDY, "Le port de la *burqa* sera totalement interdit en France", *Le Figaro*, 22 April 2010, <http://www.lefigaro.fr/politique/2010/04/21/01002-20100421ARTFIG00252-le-port-de-la-burqa-sera-totalement-interdit-.php> (last consulted on 30.05.2010).

<sup>3</sup> Marie-Christine TABEL, "Deux mille femmes portent le voile intégral", *Le Journal de Dimanche*, 13 December 2009, <http://www.lejdd.fr/Societe/Religion/Actualite/Deux-mille-femmes-portent-le-voile-integrale-157784/> (last consulted on 15.05.2010).

<sup>4</sup> It seems that the women who wear the *burqa* are in great part the followers of Salafism, a radical movement of Islam, that gathers between 30 000 and 50 000 followers in France. See Cecilia GABIZON, "Qui sont les femmes qui portent la *burqa* en France?", *Le Figaro*, 19 June 2009, <http://www.lefigaro.fr/actualite-france/2009/06/19/01016-20090619ARTFIG00011-femmes-voilees-beaucoup-de-francaises-et-de-converties-.php> (last consulted on 15.05.2010).

<sup>5</sup> "Besson n'exclut pas une 'évolution législative' sur la polygamie", *Le Monde*, 26 April 2010, <http://www.lemonde.fr/societe/article/2010/04/26/soupcon-de-polygamie-eric-besson>

and of the state institutions. The defence of the cultural particularity and concreteness stems directly from the doctrine of self-determination and of popular sovereignty that emphasize the uniqueness and the idiosyncratic character of the people. The fact that the French envisage an amendment of the Civil Code so that it could permit the withdrawal of citizenship on the basis of fraud for the naturalized citizens, and that this measure could be applied only to multiple citizens (otherwise it would produce stateless persons, which is contrary to the international treaties on nationality) shows that the moral relevance of citizenship rests on relationships of reciprocity, underlined by a common culture. Birth is the primary proof of this common culture.

The publication of Salman Rushdie's book *The Satanic Verses* illustrates as well the incompatibility that can exist between several identities. The British Muslim community demanded the ban of the book in Great Britain. They claimed that the ban was a question of cultural survival and of the protection of a cultural identity. We must not forget that these individuals are multiple citizens, as the British nationality law is multiple citizenship-friendly. The Rushdie affair, as well as the *burqa* affair, point out to the limits of multiculturalism in a democracy and to the erosion of national citizenship. Now we must not forget that Salman Rushdie is himself a British citizen and is residing in the UK. Kymlicka's theory of multiculturalism is problematic from the standpoint of the cases enumerated here because they illustrate the tension between *internal restrictions* and *external protection*<sup>1</sup>. Kymlicka explains that multiculturalism and external protection can foster internal restrictions in groups that limit individual rights and freedoms<sup>2</sup>. A similar case to that of the Rushdie affair is that of the Muhammad cartoons from the journal *Jyllands-Posten*, that stirred the anger of the Danish Muslims and of the Muslim community world-wide in 2005. The explanation given by the Danish editor is revealing for this ideological tension between Islam and democracy and for a situation when multiple identities (not necessarily national, as Denmark does not allow multiple citizenship) are conflicting:

"The modern, secular society is rejected by some Muslims. They demand a special position, insisting on special consideration of their own religious feelings. It is incompatible with contemporary democracy and freedom of expression, where you must be ready to put up with insults, mockery and ridicule"<sup>3</sup>.

The violent reaction of the Muslim community is in fact an expression of a lack of integration and of the rejection of the democratic values of the Danish society, as Flemming Rose argues:

"We have a tradition of satire when dealing with the royal family and other public figures, and that was reflected in the cartoons. The cartoonists treated Islam the same way they treat Christianity, Buddhism, Hinduism and other religions. And by treating Muslims in Denmark as equals they made a point: We are integrating you into the Danish tradition of satire because you are part

---

rappelle-que-la-procedure-de-decheance-prenra-du-temps\_1342468\_3224.html (last consulted on 30.05.2010).

<sup>1</sup> Will KYMLICKA, *Multicultural Citizenship...cit.*, pp. 35-45.

<sup>2</sup> *Ibidem*, p. 43.

<sup>3</sup> Flemming ROSE, "Muhammed's ansigt", *Jyllands-Posten*, 29 September 2005, <http://jp.dk/indland/article216582.ece> (last consulted on 15.05.2010).



of our society, not strangers. The cartoons are including, rather than excluding Muslims"<sup>1</sup>.

The capacity of democratic countries to integrate immigrants is limited by the need to protect their own democratic culture and their own national values that are shaken by the erosion of national citizenship. As Islam takes the form of a gnosis, just as the Communist parties did, and as transnational networks multiply, the democratic principles on which the western nation-states are founded are also endangered because with the decrease of the costs of naturalization, national citizenship is devaluated and the sense of belonging diminishes, facts that undermine the national cohesion necessary for the functioning of these states. Another important argument for these cases is that the secularity of the state goes hand in hand with the birth of the nation-state; thus the erosion of nationality can cause an erosion of the secularism. Pierre Manent argues that the secular state could not survive the disappearance of the nation-state<sup>2</sup>. The secularity of the state rests on its transcendence that is embodied by the nation<sup>3</sup>.

After all these examples we can inquire on the opportunity of collective rights and of multiculturalism. We consider that multiple citizenship encourages the claim for collective rights and for multicultural policies, because, by permitting multiple allegiances, the states actually legitimate other national identities, with all their political and cultural content. Moreover, the case of Islam is different from that of other religions. Although we are talking about religious identity, Islam is a law religion (*Sharia*). The demarcation line between the national and the religious elements that are comprised in the citizenship is quite vague in the case of the Muslim states. Furthermore, one must not forget that these religious minorities are not historical minorities, but they are the result of voluntary emigration and form what Kymlicka calls *polyethnic groups*. He stresses the fact that polyethnic groups do not have the right to collective rights, although as we have seen in examples above, there are already claims of such rights. Kymlicka considers that by emigration the individual is deciding to uproot himself voluntarily from his birth country and to relinquish some of the rights that come with its prior citizenship<sup>4</sup>, relinquishing one social contract and entering another. Though, multiple citizenship trumps this logic and the promise of integration; after all, by retaining political rights the dual citizens participate to the expression of the popular sovereignty of their birth nation. Kymlicka emphasizes the fact that the polyethnic or collective rights are legitimate as long as they "are limited by the principles of individual liberty, democracy and social justice"<sup>5</sup>. Both British and Danish Criminal Codes prohibit blasphemy. Nevertheless, freedom of speech is a deeply rooted value in these countries. Denmark for example was the first state to declare freedom of the press in 1770<sup>6</sup>. It is quite clear that a part of the citizens, of Muslim religion feel humiliated and insulted in these two cases, and claim that their

---

<sup>1</sup> IDEM, "Why I Published Those Cartoons", *Washington Post*, 19 February 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/17/AR2006021702499.html> (last consulted on 15.05.2010).

<sup>2</sup> Pierre MANENT, *Rațiunea națiunilor*, cit., p. 87.

<sup>3</sup> *Ibidem*.

<sup>4</sup> Will KYMLICKA, *Multicultural Citizenship...cit.*, p. 96.

<sup>5</sup> *Ibidem*, p. 6.

<sup>6</sup> John Christian LAURSEN, "David Hume...cit.", p. 168.

religious precepts should be above the national democratic ones. For the Western democratic states this claim is problematic, as they want to assure the survival of their national culture and of their institutions. Unfortunately, different groups have different understandings of individual autonomy and freedom. The acceptance of multiple citizenship legitimates the existence of opposing views about individual freedom and about the limits of democracy and encourages ideological and cultural conflict inside society. Interesting in Kymlicka's theory is also his definition of citizenship. For him national citizenship rests on the same principles as group-differentiated rights; it is in itself a group-differentiated notion<sup>1</sup>. Now, multiple citizenship is contrary to this logic because citizenship, not being an exclusive category anymore, is not "differentiating" anymore either. This is unfortunate, as the legitimacy of democracies and states rests on the difference of a people, and on its will to further this difference by political representation.

### *The Securitization of Multiple Citizenship*

The securitization of citizenship is convergent with the critique of open borders on the ground that outsiders may threaten the values of liberal democracy. Securitization goes hand in hand with the rejection of dual citizenship that undermines the loyalty to the state and co-citizens and therefore security. The need to preserve national security and public order entitles the states to restrict the entry of people, even in the eyes of the most fierce liberal egalitarians<sup>2</sup>. As by controlling the immigration, the states control at some point also the composition of the population that could have access to naturalization, immigration and citizenship policies are interrelated and both are influenced by the security dilemma. Not surprisingly, dual citizens have been regarded with suspicion by national authorities following situations of breaches in the national security. One such example is that of the Japanese-Americans that were put into camps during the last stages of WWII. 9/11 constitutes another such moment that provoked the securitization of citizenship. Examples of securitization of citizenship can be found in Western Europe, as well as in Eastern Europe, and in Asia, as we will further see.

The securitization of citizenship is caused by an overall securitization of immigration. Several factors contributed to this situation. One is the association of asylum seekers with national security. We must not forget that the institution of asylum for foreigners represents a great attack on the unlimited sovereignty of the states and on their invincible boundaries<sup>3</sup>. The securitization of citizenship that followed the 9/11 attack, the London bombing of 2005, and the 2004 Madrid train bombing, is reflected in the citizenship legislation by the fact that several countries restricted their citizenship laws. One modification was made to permit the withdrawal of citizenship to naturalized citizen following fraud or misrepresentation. However, the UK amended in 2002 the British Nationality Act as to allow the revocation of citizenship of both naturalized and birthright citizens for bringing prejudice to the national interest,

---

<sup>1</sup> Will KYMLICKA, *Multicultural Citizenship...cit.*, p. 124.

<sup>2</sup> Joseph CARENS, "Aliens and Citizens...cit.", p. 238.

<sup>3</sup> Audrey MACKLIN, "The Securitisation of Dual Citizenship", in Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship...cit.*, p. 43.

which is unprecedented since WWII<sup>1</sup>. Moreover, the United Kingdom, Australia and Ireland that once had unrestricted *jus soli*, restricted it to the children born of parents with a lawful resident status<sup>2</sup>. These amendments were directly linked to the national security threat brought by apparent law-abiding citizens. From the four attackers of the London underground, three were dual British Pakistani citizens and one was a British-Jamaican dual citizen. Now, although the 1951 Pakistani citizenship law does not allow dual citizenship, following dual citizenship agreements with some countries, among which the UK, the Pakistani government recognizes dual citizenship upon naturalization in the countries part of the agreements<sup>3</sup>. The Jamaican authorities also accept dual citizenship, despite an ambiguous provision in the constitution concerning dual citizenship<sup>4</sup>. What was even more intriguing to the British authorities, is that they were British citizens by birth, that is, second-generation citizens of immigrants<sup>5</sup>. The fact that they were all dual citizens, and that they were willing to become a security threat to their own nation is revealing for the fact that trust cannot be separated from citizenship as a bundle of rights and duties, and that multiple nationality constitutes often conflicting identities. In 2006, the conditions for citizenship revocation were thinned to the main condition of conducing to public good<sup>6</sup>.

Some countries like the Netherlands and Denmark restricted even more the citizenship laws following some acts of violence of immigrants. The Netherlands sought to modify the citizenship law as to restrict even more the situations of dual citizenship, following the murder of film director Theo van Gogh. Van Gogh was murdered in 2004, in the street, by a Dutch-Moroccan citizen. His murder came after another one, that of politician Pim Fortuyn, in 2002. Following this event, the Minister of Alien Affairs and Integration submitted a bill trying to eliminate the exceptions for dual citizens in the case of second generation immigrants and foreign spouses<sup>7</sup>. Another proposal concerned the revocation of citizenship to dual citizens convicted of terroristic acts<sup>8</sup>. Since then the Dutch Integration minister tried to convince Moroccan authorities to recognise the voluntary renunciation to birth citizenship since 227 692 people hold both Dutch and Moroccan citizenship<sup>9</sup>. Overall the number of dual citizens

---

<sup>1</sup> *Ibidem*, p. 60.

<sup>2</sup> *Ibidem*, p. 50.

<sup>3</sup> "India/Pakistan: Information on whether a person born in Kashmir of Indian (Kashmiri) parents is considered to be Indian or Pakistani, whether Pakistani citizenship is acquired by birth in Kashmir, and whether India and Pakistan recognize dual citizenship with each other", *Immigration and Refugee Board of Canada*, 1 August 1994, ZZZ18171.E, available at: <http://www.unhcr.org/refworld/docid/3ae6ac465c.html> (last consulted on 20.05.2010).

<sup>4</sup> "Jamaica/St. Vincent: Whether a Jamaican citizen born in Jamaica who lived for five years in St. Vincent and obtained St. Vincent citizenship can have dual citizenship (Jamaica and St. Vincent)", *Immigration and Refugee Board of Canada*, 29 October 2001, ZZZ38058.E, available at: <http://www.unhcr.org/refworld/docid/3df4bed720.html> (last consulted on 20.05.2010).

<sup>5</sup> Audrey MACKLIN, "The Securitisation...cit.", p. 60.

<sup>6</sup> *Ibidem*, p. 61.

<sup>7</sup> Ricky van CERS, Betty de HART, Kees GROENENDIJK, "The Netherlands", in Rainer BAUBOCK, Eva ERSBØLL, Kees GROENENDIJK, Harald WALDRAUCH (eds.), *Acquisition and Loss of Nationality...cit.*, p. 408.

<sup>8</sup> *Ibidem*, p. 409.

<sup>9</sup> Sarah TOUAHRI, "Morocco Decries Move by Netherlands to Eradicate Dual Nationality", 9 August 2009, *Maghreb*, [http://www.maghreb.com/cocoon/awi/xhtml1/en\\_GB/features/awi/features/2008/07/09/feature-01](http://www.maghreb.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2008/07/09/feature-01) (last consulted on 15.05.2010).

tripled from 1995, reaching 1.1 million people in 2009<sup>1</sup>. Moreover, very recently, at the middle of June 2010, the Dutch Nationality Act has been amended in order to restrict multiple citizenship by removing the exceptions for the renunciation of the previous citizenship upon naturalization for people raised in the Netherlands, and for allowing the withdrawal of the citizenship following crimes that bring prejudice to the interests of the state, as in the case of terroristic activity<sup>2</sup>.

In Eastern Europe, the securitization of dual citizenship can be seen in the debate on the status laws. Status laws result from the *triadic nexus* defined by Rogers Brubaker, between national minorities, nationalizing states and external national homelands<sup>3</sup>. Each kin state tries by these laws to protect its external minorities conceiving the boundaries of its nation outside of state boundaries. After the fall of communism, several states like Romania and Hungary sought to support the kin minorities, like part of a nation-building process, as testified by the constitutions of post-1989<sup>4</sup>. Thus, for Zoltan Kantor, status laws are a syndrome of post-communist nation-building<sup>5</sup>. The debate on the adoption of Status Law for the external Hungarian minorities – creating certain advantages, but not proper citizenship for these communities – started in 2001. The 2001 Status Law adopted by the Orbán government provided some form of state membership that would supply social benefits to ethnic Hungarians abroad, in the form of a Hungarian Identity Card<sup>6</sup>. The beneficiaries of the law could be provided with free work permits and loose conditions of entry as well as support for education in Hungary. Such laws that provide support to external minorities are quite common, as Austria, Italy, Slovenia, Slovakia, Greece, Russia, Bulgaria all have endorsed such provisions<sup>7</sup>. After that, the debate concentrated in extending full non-resident citizenship to external transborder minorities, which entailed of course the creation of a situation of dual citizenship for 3 million people<sup>8</sup>, although the 2001 law was made especially for avoiding situations of dual citizenship. A referendum held in 2004 on the grant of dual citizenship failed because of the low turnout. Finally, in 2010, the bill on dual citizenship passed the parliamentary vote, granting citizenship upon

---

<sup>1</sup> Han NICOLAAS, "New Statistical Data on Dual Citizens in the Netherlands", *European Union Democracy Observatory on Citizenship*, 15 December 2009, <http://eudo-citizenship.eu/citizenship-news/197-new-statistical-data-on-dual-citizens-in-the-netherlands> (last consulted on 15.05.2010).

<sup>2</sup> Gerard-René de GROOT, Maarten VINK, "Netherlands: Revision of the Nationality Act", *European Union Democracy Observatory on Citizenship*, 12 July 2010, <http://eudo-citizenship.eu/citizenship-news/348-revision-of-the-netherlands-nationality-act> (last consulted on 15.07.2010).

<sup>3</sup> Rogers BRUBAKER, *Nationalism Reframed*, Cambridge University Press, Cambridge, 1996, pp. 60-69.

<sup>4</sup> Zoltan KANTOR, "The Concept of Nation in Central and East European Status Laws", in Osamu IEDA (ed.) "Beyond Sovereignty: From Status Law to Transnational Citizenship", *Slavic Eurasian Studies*, no. 9, 2006, p. 40.

<sup>5</sup> *Ibidem*, p. 50.

<sup>6</sup> Maria KOVACS, "The Politics of Dual Citizenship in Hungary", in Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship...cit.*, p. 96.

<sup>7</sup> Attila VARGA, "Legislative Aspects and Political Excuses: Hungarian-Romanian Disagreements on the Act on Hungarians Living in Neighboring Countries", in "The Hungarian Status Law: Nation Building and/or Minority Protection", *Slavic Eurasian Studies*, no. 4, 2004, p. 462.

<sup>8</sup> Maria KOVACS, "The Politics...cit.", p. 93.

application to non-resident descendants of former Hungarians citizens, speaking Hungarian, in the neighbouring countries, but not to the diasporic communities, detail that suggests a configuration of the nation on ethnic-territorial basis, and not on ethnic-cultural one, that could be seen also in the 2001 Status Law<sup>1</sup>. The new bill on dual citizenship for the external minorities proposed and voted in may 2010 does not contain explicitly the promise of political rights, that are the most problematic ones, as they are seen as a rejection of the Trianon treaty and thus endanger the sovereignty of the neighbouring states. After the First World War, the Trianon Treaty obliged the Hungarians left outside the state borders to opt for the home state's citizenship or to move to Hungary. Therefore, all change of citizenship for the external minorities can be seen as a violation of the treaty and as a revisionist attack on the state borders<sup>2</sup>. In order for the external minorities to receive voting rights, the Hungarian electoral law must be modified to remove the residence requirement<sup>3</sup>. This is likely to happen as some parties, and especially the extreme right ones, want to attract the support of the external voter communities. Voting rights are the most problematic because they run against the popular sovereignty and self-determination doctrine, not to mention the fact that a such large mass of new voters could destabilize the political configuration and support extremist parties. The result of the elections could be decided thus by a large mass of individuals who do not pay taxes and who are not subjects of the Hungarian law<sup>4</sup>. Such a dilemma is extremely relevant also in the Romanian-Moldovan case. Moreover, some authors claim that dual citizenship is incompatible with claims for autonomy<sup>5</sup>. In support of the strong symbolic dimension of dual citizenship that is often neglected, the law will be published on 20 August this year, the anniversary of the Hungarian statehood. A very hostile reaction from the Slovak politicians triggered a modification of the Slovak Citizenship Act, as to provide the loss of Slovak citizenship upon the acquirement of another citizenship voluntarily<sup>6</sup>.

The situation of the Baltic states is very similar to that of some Asian states in what concerns the citizenship policy for minorities. Therefore, after the exit from foreign domination, the majorities sought to remedy the historical injustices. The legacy of past foreign domination is best illustrated by discriminatory citizenship policies towards ethnic minorities, throughout the two regions. This phenomenon can be seen in the Baltic States, as well as in the Asian states, like Burma, Thailand,

<sup>1</sup> Iván HALÁSZ, "Models of Kin Minority Protection in Central and Eastern Europe", in Osamu IEDA (ed.), "Beyond Sovereignty...cit.", *Slavic Eurasian Studies*, no. 9, 2006, p. 266.

<sup>2</sup> Maria KOVACS, "The Politics...cit.", pp. 99-100.

<sup>3</sup> Maria KOVACS, Szabolcs POGONYI, "Ethnic Hungarians in Transborder States May Well Be the Biggest Losers and Victims of Hungary's Dual Citizenship Reforms", 25 May 2010, *European Union Democracy Observatory on Citizenship*, <http://eudo-citizenship.eu/citizenship-news/310-the-political-context-of-the-hungarian-proposal-qethnic-hungarians-in-transborder-states-may-well-be-the-biggest-losers-and-victims-of-hungarys-dual-citizenship-reformsq> (last consulted on 25.05.2010).

<sup>4</sup> Janos KIS, "Miért megyek el szavazni?", *Nepszabadsag*, 20 November 2004, quoted in Maria KOVACS, "The Politics...cit.", p. 101.

<sup>5</sup> See Rainer BAUBÖCK, "The Trade-Off Between Transnational Citizenship and Political Autonomy", in Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship...cit.*, pp. 69-91.

<sup>6</sup> Dagmar KUSA, "Slovak Parliament Reacts to Hungarian Citizenship Reform with Restrictions on Dual Citizenship", *European Union Democracy Observatory on Citizenship*, 27 May 2010, <http://eudo-citizenship.eu/citizenship-news/306-hungarian-government-proposes-access-to-citizenship-for-ethnic-hungarians-in-neighbouring-countries> (last consulted on 27.05.2010).

and Sri Lanka. The majorities tried to reassert pre-colonial and pre-communist hierarchies in both regions with the use of citizenship policies that were also part of a wider nationalizing process. During the communist regime, the Russian minority enjoyed higher salaries, better accommodation and leading positions in Estonia and Latvia. After the independence, the ethnic majorities wanted retribution and imposed the Estonian and Latvian language as criteria for obtaining positions in the administration. In Estonia and Latvia the Russians were stripped of their citizenship and have to demand it again and pass a language test. In Estonia, the citizenship law of 1992 recognized as citizens only those individuals who were citizens of the Republic of Estonia as of the date of occupation of Estonia by the USSR, on 16 June 1940 or are descendants of these individuals<sup>1</sup>. Ever since, the citizenship law has been liberalized as to allow naturalization. Citizens and non-citizens have the same rights of participation in the social and political sphere with the only exception of party membership<sup>2</sup>. A similar situation can be seen in Southern Asia. In 1949, the Indian Tamils (the Indian Tamils brought by the British as workers on the plantations) were stripped of their citizenship as a retribution measure. The case of Sri Lanka is very similar to that of the Baltic states. In the case of the Baltic states, the USSR colonized Russians, which enjoyed privileges to better control the region. In Sri Lanka, the British brought Indians to work on the plantations, in the 19<sup>th</sup> century. Now, those Indians bear the name of Indian Tamils or Upcountry Tamils. After independence they were stripped of citizenship just like the Russians. On the same model, ethnic Chinese were stripped of citizenship in Indonesia and Malaysia after independence<sup>3</sup>. We must stress that the Chinese emigrants always had an advantaged economic status in these countries during the colonial times, for the fact that they were traders. In the Baltic States as well as in the Asian states the citizenship laws have been liberalized, when the authorities of both regions realized that these ethnic minorities will not return to China or Russia. In Thailand, the hill tribes, that is the people residing in the border zone between China, Burma, Laos and Thailand (the hill tribes consist of several distinct ethnic groups: the Akha, the Lahu, the Karen, the Hmong, the Mien and the Lisu and can be considered a transnational minority), were also denied Thai citizenship, together with freedom of movement and social rights. As much as 40-60% of hill tribe people remain without citizenship<sup>4</sup>. The marginalization of the hill tribes was seen as a solution to prevent the extension of Chinese communism. Moreover, the hill tribe people were regarded as illegal migrants not being able to prove their long-time residence in Thailand<sup>5</sup>. However, in 2001 the legislation was liberalized in response to international pressures. The countries enumerated above do not allow dual citizenship. This is so because that the states perceive their national minorities, that would be the first to benefit from a potential liberalization of dual citizenship, as a potential fifth column, as a collaborator of a hostile neighbour that can threaten

---

<sup>1</sup> Leif KALEV, Rein RUUTSOO, "The Shadow of the Past and the Promise of the EU", in Devorah KALEKIN-FISHMAN, Pirkko PITKANEN, *Multiple Citizenship...cit.*, p. 219.

<sup>2</sup> *Ibidem*, p. 231.

<sup>3</sup> Will KYMLICKA, "Liberal Multiculturalism: Western Models, Global Trends and Asian Debates", in Will KYMLICKA, Baogang HE (eds.), *Multiculturalism in Asia*, Oxford University Press, New York, 2005, p. 52.

<sup>4</sup> Mika TOYOTA, "Subject of the Nation Without Citizenship: The Case of Hill Tribes in Thailand", in Will KYMLICKA, Baogang HE (eds.), *Multiculturalism in Asia*, cit., p. 111.

<sup>5</sup> *Ibidem*, p. 119.

their security. The loyalty of ethnic minorities towards the state is questioned when demands for rights are backed by a neighbouring kin state, including citizenship rights. This can be seen in several cases in Asia: India regarding Kashmir, Sri Lanka regarding the Tamils, Thailand regarding the Malays, but also the Baltic states regarding their Russian minorities, Slovakia regarding the Hungarians, Romania regarding the Hungarians. The same can be said about the Turks in Bulgaria.

Following the cases mentioned above, and especially in what concerns the link between dual citizenship and terrorism, one can rightfully ask himself if not this dual allegiance promotes rather social disintegration, than integration and cohesion. Dual citizens are seen as a threat as they can use forms of protest and their civic rights in order to obtain some collective rights that could clash with the democratic values of the society. In the case of the Status Law, and especially in the case of the laws that establish dual citizenship for external minorities, the main problem resides in the extraterritorial effects of these laws, but most of all in that they are contrary to self-determination and to popular sovereignty. Moreover, these laws, by establishing dual citizenship, entail discrimination and inequality between the citizens, no matter their ethnicity. The right to dual citizenship cannot be formulated in terms of collective rights, even in the context of non-neutrality of the states.

### *The Legal Dimension of Multiple Citizenship*

The legislation on citizenship is situated from the juridical standpoint, at the border between public law and private law, and at the border between international and domestic law<sup>1</sup>. The relationship between nationality and citizenship is becoming more and more problematic with the rise of multiple citizenship, and some, hastily pronounce the schism between the two categories. However, in the legal treaties on citizenship, this link is not at all problematic in the 19<sup>th</sup> century. As André Weiss notes in his treaty of international law, the criteria for nationality does not count so much as, in legal terms the definition of the nation has been established by the practice and the legal tradition:

"La nation est un être moral, susceptible d'avoir, dans ses rapports, avec les êtres similaires qui l'entourent, des droits et des obligations, dont le droit international a précisément pour objet de fixer la nature et l'étendue"<sup>2</sup>.

There is no tension between nationality and citizenship, as in the postnationalists' view, because "every citizen is a national, but every national is not a citizen" ("tout citoyen est national, mais tout national n'est pas citoyen"<sup>3</sup>). Moreover, citizenship has a contractual dimension. This contract, linking the state and the citizen, is based

---

<sup>1</sup> Patrick WEIL "L'accès à la citoyenneté: une comparaison de vingt-cinq lois sur la nationalité", Travaux du centre d'études et de prévision du Ministère de l'Intérieur, *Nationalité et Citoyenneté, nouvelle donnée d'un espace européen*, no. 5, May 2002, available online <http://www.patrick-weil.com/Fichiers%20du%20site/2002%20-%20L'accès%20à%20la%20citoyenneté.pdf>, p. 2 (last consulted on 19.05.2010).

<sup>2</sup> André WEISS, *Traité théorique et pratique de droit international privé. De la nationalité*, vol. I, Librairie du Recueil Général des Lois et des Arrêts et du Journal du Palais, Paris, 1892, p. 5.

<sup>3</sup> *Ibidem*, p. 7.

on consent and is synallagmatic or mutually-binding. The contract cannot survive without the will of one of the parts. The existence of multiple citizenship challenges this argument stating that immigration or naturalization do not in fact represent a withdrawal of the consent that underlies the contract with the birth state. This postnationalist argument that supports multiple national identities is not as new, as shown by Weiss's critique of what is the *doctrine of perpetual allegiance*, that he attributes to feudalism<sup>1</sup>. This doctrine, that could permit multiple national allegiances, is in fact the product of feudal relations and of seigniorial law that linked the vassal to the suzerain for life, having thus in fact very undemocratic roots, despite the democratic aura created by the postnationalists. The renunciation to the doctrine of perpetual allegiance, was in fact celebrated as a democratic change, rooted in the Renanian conception of the subjective voluntarist nation. The United States renounced to it in 1868, Great Britain in 1870, and Switzerland in 1876<sup>2</sup>, at that time allowing multiple citizenship being unimaginable. As expatriation entails that an individual voluntarily subjects itself to another national legislation and order, one cannot doubt that this is not a "slap on the face" of his homeland, or that his will is not unequivocally expressed, as Weiss puts it<sup>3</sup>. He can no longer hold his duties to his birth state upon naturalization and to his fellow co-nationals (there are, for example, bilateral treaties which establish that dual nationals do not pay taxes in both states). Citizens who leave their country and are naturalized in another do this because they feel their homeland cannot provide for them, that is, it cannot hold the promises from the national contract. However, despite the acquisition of another citizenship, they do not want to relinquish the rights that were part of contract, triggering a sort of *free riding* attitude from the migrants' part. Multiple citizenship facilitates what Peter Spiro calls the "citizenship of convenience"<sup>4</sup>. If birth citizenship and naturalisation upon loss of citizenship would reflect the prioritisation of citizenship and identity, multiple citizenship no longer constitutes the prioritisation of citizenship, diluting substantial ties subsumed by citizenship<sup>5</sup>, as one membership is necessarily subordinated to another. This undermines of course the very nature of citizenship, as absolute, total membership. Thus "second-, third- or even fourth-choice citizenship"<sup>6</sup> represents a dissolution of the political community, of the state and also of democracy, as the level of integration necessary to democratic politics is no longer fulfilled. In this respect, multiple citizenship decouples citizenship from the actual membership to the community<sup>7</sup>. According to Peter Schuck, either the first citizenship is likely to be the primary one, as it stems from acculturation in a society, while the second membership is more opportunistic, and in this sense less legitimate, either the second one is the genuine one being born of a personal will<sup>8</sup>. Either way multiple citizenship constitutes a hierarchy of national membership which goes against the essence of citizenship as a total type of membership.

---

<sup>1</sup> *Ibidem*, p. 13.

<sup>2</sup> *Ibidem*, pp. 16-18.

<sup>3</sup> *Ibidem*, p. 15.

<sup>4</sup> Peter SPIRO, "Dual Citizenship...cit.", p. 195.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, p. 196.

<sup>7</sup> *Ibidem*, p. 195.

<sup>8</sup> Peter H. SCHUCK, *Citizens, Strangers...cit.*, p. 228.



In the 19<sup>th</sup> century law treaties one can find also arguments against the situation of dual citizenship, regarded as anomalous. One argument is that the nationality cannot be shared in the sense that it is exclusive and absolute:

“elle réclame du citoyen toute son activité, tout son dévouement; elle absorbe sa personnalité toute entière. Aussi bien les droits et les obligations que la nationalité engendre sont-ils le plus souvent exclusifs et font-ils obstacle à ce que le même individu puisse se dire à la fois citoyen de deux États”<sup>1</sup>.

The arguments against multiple nationality touched upon military duties that cannot be satisfied and may be conflicting in time of war, but also upon the exercise of political rights<sup>2</sup>. In the 19<sup>th</sup> century France prohibited dual citizenship. To a demand for naturalization of lord Brougham in 1848, Adolphe Crémieux, the minister of Justice of the Republic, answered that a situation of dual citizenship is unacceptable for France because it contradicts the principle of equality between citizens<sup>3</sup>.

Nowadays, with the spreading of multiple citizenship we face a return to the doctrine of perpetual allegiance. Even the states who do not allow to their naturalized citizens to retain their birth citizenship, allow however to their natives to retain the national citizenship when acquiring another citizenship, for example when marrying a foreigner (Denmark). International law treaties have always forbidden multiple citizenship, but we can observe a trend towards the liberalization of multiple citizenship in the last 50 years. This trend is likely to affect the sovereignty of the state, and to create overlapping spaces of state authority and of law, since the government is exercised on a particular territory, that is on the individuals residing on a specific territory that are subjects of law. States continue to exercise a *personal sovereignty* over their emigrants<sup>4</sup>. Thus, according to the 1933 *Montevideo Convention on the Rights and Duties of States*, a state requires not only a territory, but also a permanent population<sup>5</sup>. The first efforts to reduce cases of multiple citizenship were made through bilateral agreements, like the Bancroft Treaties and later through international treaties under the patronage of the League of Nations such as the 1930 *Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws*<sup>6</sup>. After 1945, there is a decoupling of citizenship and military service with the adoption of professional armies, that was accelerated by the emergence of postmaterialism, and of pacifist movement in the '60s. As the decline of conscription was one of the main arguments against dual citizenship, states started to tolerate more multiple forms of allegiance. Little by little, states denounced also the provisions of the *Strasbourg Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality* signed in 1963, and the cases of multiple citizenship mushroomed since the 1970s<sup>7</sup>. What is more, in the 1970s, the high legal courts in France and Germany recognised the right of the foreigners to permanent residence, against the tentative of the governments to force the immigrants

<sup>1</sup> Andre WEISS, *Traité théorique...cit.*, pp. 23-24.

<sup>2</sup> *Ibidem*.

<sup>3</sup> *Ibidem*, p. 27.

<sup>4</sup> Christian JOPPKE, “Citizenship between...cit.”.

<sup>5</sup> Maarten VINK, Gerard René de GROOT, “Citizenship Attribution...cit.”, p. 4.

<sup>6</sup> Triadafilos TRIADAFILOPOULOS, “Dual Citizenship and Security Norms in Historical Perspective”, in Thomas FAIST, Peter KIVISTO (eds.), *Dual Citizenship...cit.*, p. 32.

<sup>7</sup> Maarten VINK, Gerard René de GROOT, “Citizenship Attribution...cit.”, pp. 16-17.

out of the country, and to deny them residence permits<sup>1</sup>. By consequence the 1993 *Second Protocol Amending the Convention on the Reduction of cases of nationality and Military Obligations in cases of Multiple Nationality* and the 1997 *European Convention on Nationality* no longer reject multiple citizenship but is seen as a means of encouraging naturalization and integration<sup>2</sup>. Thus, by 2009 only three countries demanded renunciation of previous citizenship upon naturalization: Austria, Denmark, Norway while the Netherlands has some exceptions<sup>3</sup>. Six countries still have some provisions concerning the loss of citizenship dues to voluntary naturalization in another country but there are numerous exceptions: Austria, Denmark, Germany, the Netherlands, Norway and Spain<sup>4</sup>. In other words citizenship has been instrumentalised as a crucial part of integration policies, and as a consequence of the increasing acceptance of immigration<sup>5</sup>. However, this development caused a thinning of national citizenship, despite the fact that it was meant to enforce the identity dimension of citizenship, because this liberalization went hand in hand with the acceptance of multiple citizenship. The changes of the *jus sanguinis* that occurred in the 1980s encouraged the emergence of multiple citizenship situations as equal treatment of men and women brought also the right of women to pass on their citizenship to their children (*jus sanguinis a patre et a matre*). Women could also keep their citizenship after marrying a foreigner against the unitary system of nationality within a family<sup>6</sup>. Moreover, several states introduced provisions for the recovery of citizenship for the descendants of emigrants, which also led to situations of multiple citizenship. Germany and the Netherlands reintroduced however a provision for loss of citizenship in case of foreign military service, after Dutch and German dual citizens fought in Kosovo<sup>7</sup>. Now, this liberalisation and increased acceptance of multiple nationality, is also rooted in a new conception on citizenship that is endorsed by the postnationalists: citizenship as a human right, as it results from article 15 of the *Universal Declaration of Human Rights*, the problem being that the article does not specify to which nationality the person is entitled<sup>8</sup>. This represents a shift from the classical conception of citizenship that conceived it as a status of abstract character to which rights and duties are attached<sup>9</sup>. Thus against the postnationalist view of citizenship that decouples nationality from rights, Joppke reminds us that:

“State membership is conceptually at a different level from the right to life or liberty, because the rights that are contingently tied to state membership (e.g., the right to diplomatic protection) could also be granted in some other way”<sup>10</sup>.

---

<sup>1</sup> Patrick WEIL, “L'accès à la citoyenneté...cit.”, p. 16.

<sup>2</sup> *Ibidem*, p. 35.

<sup>3</sup> Maarten VINK, Gerard René de GROOT, “Citizenship Attribution...cit.”, p. 14.

<sup>4</sup> *Ibidem*, p. 15.

<sup>5</sup> *Ibidem*, p. 5.

<sup>6</sup> Gerard René de GROOT, “The Background of the Changed attitude of Western European States...cit.”, p. 100.

<sup>7</sup> Maarten VINK, Gerard René de GROOT, “Citizenship Attribution...cit.”, p. 16.

<sup>8</sup> Gerard René de GROOT, “Nationality Law”, in Jan SMITS (ed.), *The Elgar Encyclopaedia of Comparative Law*, Edward Elgar Publishing, Cheltenham, 2006, p. 483.

<sup>9</sup> Christian JOPPKE, “Citizenship between...cit.”, p. 5.

<sup>10</sup> *Ibidem*

Citizenship is not a right *per se*, but a source of rights. These new trends in citizenship policy have been conceptualized by Christian Joppke in terms of *re-ethnicization* and *de-ethnicization*<sup>1</sup>. Both processes are caused by international migration. Multiple citizenship has been a result of the de-ethnicization of citizenship, as well as of the re-ethnicization of citizenship. Most states changed their citizenship laws in both ways simultaneously, while some sought to privilege emigrant, rather than immigrant dual citizenship (Germany) or the other way around (Belgium)<sup>2</sup>.

By decreasing the costs of the naturalization itself, dual citizenship devaluates in fact the national citizenship of the states and so does also the turning of citizenship into a human right. As once, the rights that stem from citizenship were "positive rights, conceded through the blood of war, the sweat of work and the tears of reproduction"<sup>3</sup>, the proliferation of multiple citizenship in present days hollows out the national citizenship and "marks the secular decline of the citizenship construct"<sup>4</sup>.

### *Multiple Citizenship, Boundaries and Democratic Theory*

The relationship between boundaries and democracy in the context of extensive transmigration has been a central point in the domain of boundary ethics. Although the studies do not touch precisely the issue of dual citizenship, boundary ethics is essential to the study of multiple citizenship because it contests the boundaries at highest level. Multiple citizenship is *per se* a dissolution of boundaries, because boundaries presuppose exclusivity; while the boundaries' action is particularizing, the multiple citizenship's action is uniformizing. In a way, the effect of the multiple citizenship is the same with that of a cosmopolitan universal citizenship. If a cosmopolitan universal citizenship cannot be established, the boundaries of national membership can be blurred by the multiplication of citizenship. However, recently, there have been attacks from the postnationalist camp, that is also strongly anti-statist, on the *boundedness* of the sovereign *demos*, which is considered to be undemocratic. One such critique is that brought by Arash Abizadeh that claims the existence of an irreconcilable opposition between liberalism and democracy<sup>5</sup>, a claim that is present also in Carl Schmitt's critique of democracy. The literature of boundary ethics is split between the advocates of open borders and its contesters. We will present some of the arguments of both sides, as multiple citizenship can be seen as an avatar of open borders, in facts their supreme expression. The critique of closed borders is based firstly on a liberal egalitarian vision that regards all humans as free and equal beings. This claim is shared by postnationalism. The arguments do not refer only to territorial borders, but also to membership borders. In this respect, the advocates of open borders consider citizenship as "the modern equivalent of feudal privilege" and as "an inherited status that greatly enhances one's life chances" making "restrictive

---

<sup>1</sup> *Ibidem*, p. 3.

<sup>2</sup> Christian JOPPKE, "Citizenship between...cit.", p. 12.

<sup>3</sup> *Ibidem*, p. 20.

<sup>4</sup> *Ibidem*.

<sup>5</sup> Arash ABIZADEH, "Democratic Theory...cit.", pp. 37-65.

citizenship"<sup>1</sup> (a pleonasm in fact) hard to justify. Thus, by restricting the freedom of movement and of every being to improve its life conditions, closed borders enforce social inequalities. As control of immigration is a first step in restricting the access to citizenship, closed borders are seen as a violation of the liberal egalitarian principles. The arguments of liberal egalitarians are sometimes contradictory, as the same author states in a piece of work that

"the initial allocation of citizenship on the basis of birthplace, parentage or some other combinations thereof is not objectionable from the liberal egalitarian perspective", and in another that "individuals should be free to *change* their membership at will"<sup>2</sup>.

Not even the liberal egalitarians can justify multiple citizenship, as it does not constitute a change *per se* of membership, but the accumulation of citizenships, hence of birth privileges. Thus, on the same line of liberal-egalitarian arguments, we could say that multiple citizenship is even more discriminatory than simple national citizenship, as it enforces inequality between the individuals. However, under non-ideal circumstances the advocates of open borders admit that the survival of liberal egalitarian institutions requires a control of borders. Such arguments can be found in the work of Joseph Carens or Philip Cole<sup>3</sup>. According to Cole, liberal theory cannot justify membership without suffering major transformations, as in the form of liberal nationalism, and liberal egalitarians cannot find a justification to closed borders, if they sincerely believe that the moral equality of humanity is the core of liberal democracy<sup>4</sup>. There are also more radical voices who argue that even in non-ideal circumstances, liberal egalitarianism demands for open borders<sup>5</sup>. In what concerns the arguments for closed borders, they vary from apocalyptic visions of waves of immigrants breaking the public order, and leading to the collapse of the immigration countries' economies, to arguments that can very well find support in present-day realities. One such argument is that the political values of the immigrants may be contradictory to that of the immigration states, endangering thus social integration and cohesion<sup>6</sup>. Moreover, liberal democracy requires a certain degree of homogeneity that can be assured only through closed borders. This argument touches the delicate issue of the clash of civilizations and it is even more powerful in the case of dual citizens, as their presence can threaten the particularity of the nation, and of the State, in terms of political culture, as we have seen in the case of the *burqa*. The argument of the homogeneity, and its link to democracy, can be found also in the work of Carl Schmitt, as we will see. Closed borders and restrictive membership are means of

---

<sup>1</sup> Joseph CARENS, "Aliens and Citizens...cit.", p. 229.

<sup>2</sup> IDEM, "Migration and Morality: A Liberal Egalitarian Perspective", Brian BARRY, Robert GOODIN, *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*, Pennsylvania State University Press, University Park PA, 1992, p. 27.

<sup>3</sup> See Phillip COLE, *Philosophies of Exclusion...cit.*

<sup>4</sup> *Ibidem*, pp. 202-203.

<sup>5</sup> See Arash ABIZADEH, "Liberal Egalitarian Arguments for Closed Borders: Some Preliminary Critical Reflections", *Éthique et économique*, vol. 4, no. 1, 2006, <http://ethique-economique.org> (last consulted on 25.05.2010).

<sup>6</sup> Will KYMLICKA, "Territorial Boundaries...cit.", pp. 249-275.

protecting the political culture of a community and its "democratic autonomy"<sup>1</sup>. Immigrants who may be profoundly anti-liberal in their conceptions, can have also disloyal political intentions, threatening thus not only the liberal democratic institutions, but also the security of the other members. The dilemma here is the "toleration of the intolerant in liberal regimes"<sup>2</sup>. This argument concerns, in the case of dual citizens that could be endowed with non-liberal conceptions, their capacity to vote in more than one country, that is problematic to democratic theory, as they participate in the expression of more than one national sovereignty. In this case, sovereignty is no longer national, since the voting rights of dual citizens can be seen as a foreign intrusion, as a violation of the national sovereignty. Another issue concerns the securitization of citizenship that we also discussed in this paper. Dual citizens can be seen as foreign agents, vehicles of anti-liberal values, which may threaten liberal democracy not only by their political and civil rights (voting and petitioning, but also forms of protest) and by every-day behaviour, but also by terrorist activity, crime<sup>3</sup> etc. Finally, open borders are seen as compromising the capacity of the welfare systems completely or in part, as many immigrants remain unemployed, and are assisted by the state. Thus, Robert Goodin argues that "a particularly generous welfare state will always be at risk of being swamped with immigrants, so long as it allows people to move in freely from abroad"<sup>4</sup>, although open borders should be justified as a matter of principle. In the case of immigrants, the question is: should the immigrant states have financial responsibilities towards aliens, supporting them economically, rather than distributing the money collected from taxes to its own citizens? The postnationalists criticize the normative strain behind the argument holding that the responsibility towards the domestic poor overrides the one towards the global poor, since it violates the principle of human equality<sup>5</sup>. The question here is one of ethics, and not so much of politics. If "special responsibilities are justified insofar as some non-instrumentally valued relationships are vital constituents of a life with moral agency"<sup>6</sup>, Abizadeh asks, then are relations of citizenship necessary for the moral agency and are they vital elements of well-being? Against the theory of the nation-state and liberal democracy, Abizadeh claims that citizenship and closed borders do not ensure well-being, and their "putative non-instrumental value is inexistent" since they foster relations of inequality at the level of the world society<sup>7</sup>. The use of coercion against outsiders, for the benefit of the citizens, cannot thus be justified without the rejection of the liberal-egalitarian principles. However, does moral equality between individuals entail that they should be treated the same by the state? Defenders of closed borders stress the fact that the national borders have a moral relevance as well, because relations of citizenship create intense relations of shared lives that give rise to certain

---

<sup>1</sup> Joseph CARENS, "Migration and Morality...cit.", pp. 40-41.

<sup>2</sup> *Ibidem*, p. 28.

<sup>3</sup> See Ricky van CERS, Betty de HART, Kees GROENENDIJK, "The Netherlands", cit., pp. 408-409.

<sup>4</sup> Robert GOODIN, "If People Were Money", in Brian BARRY, Robert GOODIN, *Free Movement: Ethical Issues in the Transnational Migration of People and Money*, Pennsylvania State University Press, University Park, PA, 1992, p. 11.

<sup>5</sup> Arash ABIZADEH, "Liberal Egalitarian...cit.", p. 5.

<sup>6</sup> *Ibidem*, pp. 6-7.

<sup>7</sup> *Ibidem*, p. 7.

obligations<sup>1</sup>. This consideration is convergent with the definition of the nation as a community of destiny. It is also clear that, in the case of dual nationals, they cannot have two or more shared lives and cannot maintain close relations of citizenship with more than one political community. Another strong argument against dual citizenship and open borders is that reciprocity can exist only within some national borders, and that justice is relevant only under conditions of reciprocity<sup>2</sup>. If reciprocity is undermined by multiple allegiance, then multiple citizens should not take part in relations of justice. The relation between reciprocity and justice can be found in the work of Aristotle. In Aristotelian thinking, reciprocity is regarded in the context of economic trade, as a form of justice, correcting the social imbalance, and maintaining the community<sup>3</sup>. It acts like a social glue, and has also an important political function. For Aristotle, it is precisely reciprocity that holds the political community together, diffusing social harmony between classes. What is more, the way reciprocity is conceived, in terms of exchange, reflects the values of the community in which the exchange is taking place<sup>4</sup>. Therefore, if we consider citizenship as the relationship containing an exchange between State and citizens (in terms of rights and duties), the rules that manage this exchange, that is, the laws and policies on the grant and loss of citizenship, can tell us more about the way a state defines the collective identity of its citizens, and the community itself, as represented by the nation. If the legislation permits multiple citizenship, we could say, in order to use Aristotelian terms, that the State has a better exchange ratio than other states, and conceives reciprocity in a particular way, that is more advantageous for the citizens. Robert Dahl also states that "any deviation from maximum reciprocity means political inequality"<sup>5</sup>. The nation is, in this sense, a community of reciprocity and a moral community as well, people sharing a common life having stronger duties towards each other<sup>6</sup>. Dual nationals are suspected of undermining the principle of reciprocity, because they can redraw any time from the decisions taken in the political community, by relocating in another country; thus from a liberal-egalitarian perspective, they are not bound by relations of justice, as justice is restricted to the state borders. Some defenders of open borders put under question the moral worth of citizenship, as creating bonds of reciprocity and responsibility. In their view, citizenship should not have a superior moral worth to the condition of human being<sup>7</sup>. In this sense, this liberal-egalitarian view is profoundly anti-statist and anti-national, and entails a demotion of national citizenship. In attacking the special moral worth of citizenship, the liberal-egalitarians, that share some views with the postnationalists, attack also the exclusivity of citizenship (in the sense that it consecrates exclusive communities which maintain relations of reciprocity only within the community, not having relations and responsibilities towards

---

<sup>1</sup> John ISBISTER, "A Liberal Argument for Border Controls: Reply to Carens", *International Migration Review*, vol. 34, no. 2, Summer 2000, p. 630.

<sup>2</sup> *Ibidem*, p.632.

<sup>3</sup> Gabriel DANZIG, "The Political Character of Aristotelian Reciprocity", *Classical Philology*, vol. 95, no. 4, October 2000, p. 401.

<sup>4</sup> *Ibidem*, p. 423.

<sup>5</sup> Robert DAHL, Charles LINDBLUM, *Politics, Economics and Welfare*, University of Chicago Press, Chicago, 1953, p. 123.

<sup>6</sup> Michael WALZER, *Spheres of Justice*, cit., p. 33.

<sup>7</sup> Joseph CARENS, "Open Borders and Liberal Limits: A Response to Isbister", *International Migration Review*, vol. 34, no. 2, Summer 2000, p. 641.

outsiders). Although the liberal egalitarians claim that there is no empirical proof of the special bonds between citizens<sup>1</sup>, they forget the fact that all states aim to be at least minimal welfare states, in the sense that they adopt redistributive policies. The infrastructural capacity of the states, as it was defined by Michael Mann<sup>2</sup>, was developed in the state-building process on the assumption of the special relationship between the citizens. Despite the critique of closed borders, there are systematic moral justifications for closed borders that emphasize precisely the moral and political worth of citizenship. Thus, for Michael Walzer distributive justice, that is proper to the modern state and democracy can exist only in a political community of membership, in which people share a common culture. Justice in itself is the product of "historical and cultural particularism"<sup>3</sup>, while the idea of justice "presupposes a *bounded* world in which distribution takes place"<sup>4</sup>. The first good that is distributed is membership, that is citizenship, which has an ontological dimension. As Carens underlines, our life chances and choices are made in special settings, determined by national citizenship. In this sense, citizenship has a big effect on people's life, even if this deterministic dimension of citizenship is often underscored. Citizenship underscores thus the moral dimension of the nation as political community. Another value that lies at the core of citizenship and democracy is trust. Membership to the national community that is expressed by citizenship provides access to the "circle of trust" between State and its citizens, and between the citizens themselves. One reason why double nationality was forbidden is precisely this lack of trust with regard to the double nationals. It was doubtful that they could be trustworthy. If trust was regarded mostly in terms of military duties, nowadays we cannot say that trust lost all importance in modern democracies. As we have seen, terrorism as epiphenomenon of globalization, brought a securitization of citizenship, and also a debate on whom we, the people, can trust. Nations can be conceived as trust networks, that is,

"ramified interpersonal connections, consisting mainly of strong ties, within which people set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes or failures of others"<sup>5</sup>.

As Charles Tilly points out, democracy requires greater trust than other political regimes<sup>6</sup>. Piotr Sztompka also emphasized the salience of *trust cultures* for political order and for democracy<sup>7</sup>. Democratization and the nation-building processes are used to create trust among the members of the political community, by equalising and homogenising the population, in terms of access to rights and freedoms, but at the same time differentiating it from other communities. Trust is also a key element in the relation between state and nation, as David Miller observes<sup>8</sup>. States rely on

---

<sup>1</sup> *Ibidem*.

<sup>2</sup> See Michael MANN, *The Sources of Social Power*, vol. II, Cambridge University Press, Cambridge, New York, 1993, pp. 59-61.

<sup>3</sup> Michael WALZER, *Spheres of Justice*, cit., p. 6.

<sup>4</sup> *Ibidem*, p. 31.

<sup>5</sup> Charles TILLY, *Democracy*, Cambridge University Press, New York, 2007, p. 81.

<sup>6</sup> *Ibidem*, p. 93.

<sup>7</sup> Piotr SZTOMPKA, *Trust. A Sociological Theory*, Cambridge University Press, Cambridge, 2003, p. 139.

<sup>8</sup> David MILLER, "The Nation-State...cit.", p. 137.

the voluntary cooperation of their citizens in order to adopt and implement policies. Thus, the state machinery cannot function without mutual trust that stems from a shared identity. Now, dual nationality is not at ease with the moral dimension of the nation, and with the trust culture of the democratic states, which are not universal. On the contrary, they function only as long as membership is an exclusive category.

In the case of dual citizens, the question is, whose state is the responsibility to assist the dual citizens, as they contribute to only one welfare system, but they hold rights in more than one country? Despite the fact that multiple citizenship is considered to be an expression of open borders and a fulfilment of liberal-egalitarian principles, paradoxically it creates inequality between the members of a political community, as most of them hold only one citizenship. One cannot reject the fact that multiple citizens have more right than those who hold only one citizenship. Moreover, their duties are often reduced through bilateral treaties and other agreements of this sort. These situations can be rightfully seen as undermining the cohesion and solidarity of the nations, and the functioning of welfare systems; as boundary ethics literature points out, the debate is also ethical, not only political. In order to avoid such tormenting questions, some states, consolidated democracies, took legislative measures in restricting the access to citizenship. Such is the case of the Netherlands and of Denmark, two European countries that have some of the most restrictive citizenship laws in Europe. Both countries have taken measures in order to avoid situations of multiple citizenship. Thus, besides renunciation of former citizenship upon naturalization, a stipulation of the *Dutch Nationality Act*, in 1985 the Netherlands decided also that Dutch nationality was to be lost automatically after ten years of residence abroad. Although between 1991 and 1996 dual citizenship was permitted, in 1997 it was again forbidden. Denmark condemns multiple citizenship even today, despite the fact that all Nordic countries, that traditionally forbade multiple nationality, reformed their citizenship laws, as to tolerate it.

However, one must not forget that states are territorial closures and have an interest in continuing being so<sup>1</sup>. This does not mean that they have an interest in actually excluding noncitizens. If it was so, there would be no possibility for naturalization, or permanent residence for foreigners. But borders are essential to the modern state, in what concerns the "project of territorial rule"<sup>2</sup> and governance in the end. A more subtle connection exists between the citizenship and this territorial juridical dimension of the states, that is violated by the existence of multiple citizenship. States are bounded spaces of authority that bind the members to the political community<sup>3</sup>. The state has responsibilities and duties towards its citizens, as well as the citizens are an object of governance. Multiple citizenship creates overlapping spaces of governance and membership, as multiple citizens are subject at the same time, to the claims of several states. In this respect, the responsibility towards its citizens and the authority of state to enforce the law no longer stops at the national borders, but trespasses borders and violates the sovereignty of other states. Thus, movements across boundaries and migration engage also the vital interests of the states<sup>4</sup>, not only of the individuals. As citizenship was born out of the need to standardize admission and expulsion

---

<sup>1</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 24.

<sup>2</sup> *Ibidem*.

<sup>3</sup> *Ibidem*, pp. 24-25.

<sup>4</sup> *Ibidem*, p. 25.



practices, and to establish as a rule that each individual should belong to one, and only one state<sup>1</sup>, multiple citizenship can be seen as a political non-sense.

A strong argument for closed borders and for single citizenship is the democratic one: democracy requires boundaries in order for a political community to exercise the right of self-determination. Thus, another problematic issue arises, as the dissolution of boundaries (territorial and membership boundaries) and multiple citizenship are at odds with the doctrine of national sovereignty, that lies at the core of democracy itself. According to Brubaker, "citizenship remains a bastion of national sovereignty"<sup>2</sup>. For how long, we might ask, considering the recent developments? The power of closure of the state stems from the sovereignty of the nation, and it is essential to the political communities. The emergence of national citizenship went hand in hand with the creation of unitary internal sovereignty<sup>3</sup>, the nation-state replacing the numerous jurisdictions that coexisted, and national citizenship replacing urban citizenship and other types of collective identities. Thus, we could say that every state has the legal and moral right to exclude aliens, on the basis of the doctrine of the sovereignty of the nation. This link between exclusion and the right of the nations to self-determination is emphasized by Carl Schmitt and Michael Walzer.

Multiple citizenship underlines also another tension, that between liberalism and democracy. For some liberal egalitarians and postnationalists, liberalism requires that

"the exercise of political power be in principle justifiable to everyone, including the persons over whom it is exercised, in a manner consistent with viewing each person as free (autonomous) and equal"<sup>4</sup>.

One could say that citizenship makes possible this claim, especially as it is a birth privilege. For the same postnationalists nevertheless, this principle is incongruous with the principle of popular sovereignty, according to which

"the exercise of political power is legitimate only insofar as it is actually justified by and to the very people over whom it is exercised"<sup>5</sup>.

The problem from the point of view of the postnationalists is that democracy presupposes a *demos*, a *particular* political community, that is by its nature *bounded* and operating with categories of inclusion/exclusion. Democracy requires a nation, a people, and nations cannot be but exclusive, bounded, particular political communities. However, liberalism requires the abolition of the nation-state and of all other boundaries<sup>6</sup>. If we take into account that democracy is a form of government, and that from the postnationalist point of view democracy should collapse in favour of unlimited liberalism a problem remains: that of government. The postnationalist stance is therefore anarchical, since it does not take into account the need for governmentality, in Foucauldian terms. Moreover, the dissociation between liberalism and democracy is problematic as the two concepts maintain symbiotic

---

<sup>1</sup> *Ibidem*, p. 27.

<sup>2</sup> Rogers BRUBAKER, *Citizenship and Nationhood...cit.*, p. 3.

<sup>3</sup> *Ibidem*, p. 53.

<sup>4</sup> Arash ABIZADEH, "Democratic Theory...cit."

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*.

relations, embodied by the expression of liberal democracy. Self-determination is an expression of liberalism and of the freedom of association. In Walzer's view, borders, whereas territorial or membership borders, represent "the deepest meaning of self-determination"<sup>1</sup>. Still, some postnationalist writers, like Frederick Whelan and Arash Abizadeh, advance claims of an unbounded *demos* that is compatible with the theory of popular sovereignty, in an attempt to solve what they consider to be the conflict between liberalism and democracy. Their main assumption is that the *demos* is not inherently bounded, and that the democratic theory is incapable of drawing the boundaries of the *demos*<sup>2</sup>. According to Abizadeh, the boundedness of the *demos* renders the theory of the popular sovereignty incoherent as: 1. the boundaries of the *demos* are not established by the will of the people; 2. the exercise of power cannot be justified to those over whom power is exercised, because some are excluded from membership<sup>3</sup>. Hence, borders are seen as illegitimate from a democratic perspective. It is clear here that the postnationalist writers reject the use of nationality as a legitimate principle in the constitution of the *demos*, and as a principle that is compatible with democracy and liberalism. The people, although it is not defined by democratic theory, it is not a vague, amorphous mass of individuals atomized and alienated. As there were differences between the national communities even before the emergence of a national consciousness, we cannot say that difference between the world communities was created from scratch, artificially. It was part of the evolution of mankind. In modern times, the principle of definition of the people became the nation, as a community with shared existence, shared history and interests. Another reason why the *demos* must be bounded stems from the need of homogeneity as a *sine qua non* condition for democracy, like Carl Schmitt notices<sup>4</sup>. Despite this author's political preferences that retrospectively seem at odds with democracy, homogeneity has to be understood here as resulting from a conception of equality that exists at the core of democracy itself – "substantive equality"<sup>5</sup>. Of course, this equality has been embodied by the concept of citizenship that emerged during the French Revolution precisely as a means to fight privileges and to level the *demos*. Citizenship was not a simple legal status, it was based on the assumption of similarity of the members of one political community. Thus, certain categories have been deprived of citizenship on the basis of their difference. Legitimizing discourses with a glow of science have been created in order to exclude from the community of citizens, women, blacks and other categories. For the aliens this principle is still in practice. Schmitt criticizes the type of equality put forward by postnationalists and liberal egalitarians, that of human equality. He rightly observes that:

"The equality of all persons as persons is not democracy, but a certain kind of liberalism, not a state form, but an individualistic-humanitarian ethic and *Weltanschauung*. Modern mass democracy rests on the confused combination of both"<sup>6</sup>.

---

<sup>1</sup> Michael WALZER, *Spheres of Justice*, cit., p. 62.

<sup>2</sup> Arash ABIZADEH, "Democratic Theory...cit."

<sup>3</sup> *Ibidem*.

<sup>4</sup> Chantal MOUFFE, *The Paradox...cit.*, p. 38.

<sup>5</sup> *Ibidem*.

<sup>6</sup> Carl SCHMITT, *The Crisis of Parliamentary Democracy*, MIT Press, Cambridge, 1985, p. 9, quoted in Chantal MOUFFE, *The Paradox...cit.*, p. 39.

Schmitt points out here to the confusion between liberalism and democracy, that we could observe in the arguments of Abizadeh and of other liberal egalitarians. Their conception of citizenship and of multiple citizenship stems from this humanitarian ethic that denies all political dimension to citizenship and to democracy. The need for boundaries is legitimate from a political point of view. but in most cases, as we have seen, fails to be so from an ethical perspective. The postnationalist stance is in this sense not only anti-statist and anti-national, but also anti-political. Despite the opposition conceived by Schmitt between liberalism and democracy, it goes without saying that democracy bears an important normative dimension and that the *demos* is a moral community as well. Equality can exist only in relationship with inequality, and it is not general all absolute. Thus, because the equality posed by democracy is a political one, it entails that it rests on a principle of distinction. It follows that democracy cannot be based on the generality of all mankind, but belongs to specific communities<sup>1</sup>. In what concerns multiple citizenship, it goes against the homogeneity conceived as equality of the *demos*. Multiple citizenship, on the other hand, seems more convergent with unlimited liberalism than with democracy and popular sovereignty. It is, as well as the ideal of cosmopolitan citizenship, a vehicle of generality, contrary to the national homogeneity that emerged as a principle of democracy with the French Revolution. It is clear that for citizenship to act as a vehicle of equality and homogeneity, it must be an exclusive category and not a collectable item, as multiple citizenship is. Schmitt emphasizes that universal equality of individuals, as conceived by cosmopolitan or multiple citizenship, represents the complete depreciation of political equality and of politics itself<sup>2</sup>. Another reason for the need of homogeneity in a democracy is that of identity between rulers and the people, on which rests the doctrine of popular sovereignty. Because in the case of multiple nationality the definition of the people does no longer imply a moment of closure, equality and identity of rulers and ruled is no longer achieved. What is more, Schmitt points out that, in the absence of politics, another sphere of substantial inequalities would prevail: that of the economics<sup>3</sup>. The same argument can be found in Michael Walzer's work, drawing on Henry Sidgwick, who argued that the dissolution of states would leave a "world of deracinated men and women"<sup>4</sup>, a world of the political economists.

Concerning the dissolution of membership boundaries, the dual nature of multiple citizens that are at the same time the insider and the outsider, a sort of Doctor Jekyll and Mister Hyde, the familiar and the unfamiliar, makes the relationship between citizenship and national sovereignty difficult. The tension emerges from the very nature of the nation as a political community born out of a social contract. Despite its contractual dimension, the political community is more than a simple community of interest. It is a community of destiny that assures the stability of the political institutions in time. This particular nature of the national community has been best captured by Edmund Burke:

"It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be

---

<sup>1</sup> *Ibidem*, p. 40.

<sup>2</sup> Chantal MOUFFE, *The Paradox...cit.*, p. 41.

<sup>3</sup> *Ibidem*, p. 42.

<sup>4</sup> Michael WALZER, *Spheres of Justice*, cit., p. 39.

obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primaeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those, who by an obligation above them, and infinitely superior, are bound to submit their will to that law"<sup>1</sup>.

Multiple citizenship affects the national sovereignty of the *demos*, and therefore the practice of democracy itself, because multiple citizens retain political rights, but they are not anymore subjects of law in their birth country. In this sense, they disrupt the equality that lies at the centre of democracy. Moreover, is sovereignty "national" as long as citizens of other states participate in its expression? It is clear that the dual citizens are no longer part of the community of destiny that is their birth nation. The definition of the nation as community of destiny is very well illustrated by the existence of the pension system, and of the taxing system, that rely precisely on the intergenerational solidarity of the nation and on what Walzer calls the *communal provision*<sup>2</sup>. Both systems are undermined by multiple citizenship, as by bilateral treaties the dual citizens are given the chance to contribute to the welfare system of only one country. These double taxation agreements between countries are seen as increasing equity between citizens but in fact they are creating new inequities. Multiple citizenship disrupts the communal provision that makes national citizenship valuable and saps the legitimation of the nation-states, which makes us ask ourselves as Rousseau did:

"How can they love it, if their country be nothing more to them than to strangers, and afford them nothing but what it can refuse nobody?"<sup>3</sup>.

Blurring boundaries and the distinction between national and foreigner, multiple citizenship undermines the very foundation of the states. We must observe that classical liberal thought did not consider nationality incompatible with liberalism. In the sixteenth chapter of *Representative Government*, John Stuart Mill argues that nationality leads to free government. For Mill, the main ingredient of nationality is the "identity of historical antecedents"<sup>4</sup>. The main argument for this, is that civil society could not oppose the state, if it was not culturally united, fact that helps create the "fellow-feeling"<sup>5</sup> necessary for government. In the context in which

---

<sup>1</sup> Edmund BURKE, *The Evils of the Revolution*, selection from *Reflections on the Revolution in France* (1790), Penguin, London, 2008, p. 51.

<sup>2</sup> Michael WALZER, *Spheres of Justice*, cit., p. 64.

<sup>3</sup> Jean-Jacques ROUSSEAU, "A Discourse on Political Economy", in *The Social Contract and Discourses* (1761), translated by G.D.H. Cole, J.M. Dent and Sons, London and Toronto, 1923, E-book The Online Library of Liberty, [http://files.libertyfund.org/files/638/Rousseau\\_0132\\_EBk\\_v5.pdf](http://files.libertyfund.org/files/638/Rousseau_0132_EBk_v5.pdf), p. 217 (last consulted on 27.05.2010).

<sup>4</sup> John Stuart MILL, *Considerations on Representative Government*, Harper and Brothers Publishers, New York, 1862, p. 308.

<sup>5</sup> *Ibidem*, p. 310.

national citizenship is devaluated by the rise of European citizenship and by plural citizenship, we can ask ourselves if democracy can function without a proper *demos*, without a fellow-feeling. The problem of postnationalism is that it delegitimizes the people, the nation, the *demos*, that is, bounded communities, promoting under the umbrella of human rights pure human generality. Pierre Manent asks himself what future would such an association based on human generality have<sup>1</sup>. In fact Manent's arguments for the nation-state as a basis of democracy are a wonderful critique of the postnationalist school. Thus, postnationalism conceiving democracy as a feeling "of the human resemblance that turns against the last difference"<sup>2</sup> is profoundly against the sovereign nation-state. Manent observes that in present days the state is less sovereign, and the government is less representative<sup>3</sup>. These developments are due also to the rise of multiple nationality that erodes the national sovereignty of the state and the descriptive representativeness of the political institutions. Paradoxically, the endorsement of democratic values goes hand in hand with a weakening of government<sup>4</sup>, as the democratic values are embraced in the framework of an universalistic ethic of humankind.

### *Conclusion*

The study of multiple citizenship remains a marginal study in the field of research of nationalism and citizenship. Despite the fact that all the authors emphasize the proliferation of multiple citizenship in the last 20 years and predict that it will spread further on, there is little empirical data to be used. In this paper we have tried to study multiple citizenship in relation to political theory and to emphasize its conflicting aspects at the theoretical level. However, we are aware of the fact that empirically, it is hard to demonstrate the negative effects that multiple citizenship has on democracy and on the nation-state, because theoretical concepts are quantified with difficulty, because of their complexity. We have strived, nevertheless, to bring some empirical evidence on this matter. We accept the fact that multiple citizenship does not have a full effect as, often, individuals are not aware of the fact that they hold more than one citizenship, and that states do not have always a clear evidence of it, especially that a strict evidence and control would require the close cooperation of the states and the centralization of the citizenship data. Thus, the effect could be smaller than the one predicted by the number of multiple citizens. However, the combination of *jus sanguinis* with the *jus soli* principle that is present in the majority of citizenship laws can lead to a proliferation of multiple citizenship, and to an increase of the number of citizenships that one individual holds, from one generation to another, through migration and mixed marriages. This could make us believe that at a certain point, individuals will have only one active citizenship, while maintaining the other(s) passive. Still we argue that from a rational choice perspective, the multiple citizens will take advantage as well as they can, this meaning that they will try to free-ride as much as possible, when it come to duties towards the states. Indisputably, this

---

<sup>1</sup> Pierre MANENT, *Rațiunea națiunilor*, cit., p. 17.

<sup>2</sup> *Ibidem*, p. 31.

<sup>3</sup> *Ibidem*, p. 54.

<sup>4</sup> *Ibidem*, p. 66.

entails inequality between the citizens of a political community. Making citizenship readily available means in fact to "de-essentialize" citizenship, as a fundamental basis for democracy. Over the centuries, equal citizenship was born of revolutions, as the French Revolution, of cycles of protest (first and second wave of feminism), out of war, individuals paying with their blood for equal membership. Equal citizenship was every time established as a means to fight privileges. Unfortunately, multiple citizenship contradicts this logic. It creates new privileges, because citizenship as a means of fighting privileges, was necessarily conceived as unique and exclusive membership, in order to assure equality, as we have shown in this paper.

We also have to bring some clarifications in what concerns the critique of open borders, which we used in this paper to combat multiple nationality. This paper is not, by no means, a condemnation of emigration. Every individual should be free to build a life in another state than his birthplace. National birth citizenship is in this respect the biggest source of inequality between individuals. It links individuals to different political systems that provide unequal chances in social and political terms. However, emigration is mostly born of dissatisfaction with the rights and chances offered by the fatherland. This means that the state who is left by its citizens, should remain out of citizens, upon their naturalization in another state.

In a nutshell, the issue of multiple citizenship must be regarded from a plurality of perspectives, which include the theoretical and the normative ones. Until present day, the few studies on this subject focused mainly on the legal dimension. This is not to say that such studies are not important. These studies provide important material for further research. They are important also because they emphasize what has become already a trend in national legislations: the wider acceptance of dual citizenship. Though this development is presented by the postnationalist literature as improving democracy, we can wonder if this is really the case. Because our attempts of theorization of this, once anomalous, type of membership show rather a perverse effect when considered in relation to the state, the nation and democracy.