Multiple Citizenship as a Challenge to European Nation-States

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PREFACE

The current process of economic, political and cultural globalization has led to an exponential increase in the trans-national mobility of people. These developments underline the need to challenge many traditional nation-state-focused assumptions and to rethink the relationship between the national and trans-national domains of living. They pose new kinds of questions about state membership, belonging and participation.

One of the palpable forms that trans-nationalizing of memberships takes is multiple state membership. Multiple state citizenships may be acquired by marriage – taking on the citizenship of the spouse. Children of families where each of the parents has a different country of origin may be born into multiple state membership. Furthermore, even initially temporary migrants often become interested in attaining citizenship in the country in which they reside while preserving citizenship held in their countries of origin. Currently, the laws of over half of the world's nation-states recognize some form of multiple citizenship or multiple nationality (Fritz, 1998; Faist, 2001; Vertovec, 2001). In practice, however, the nation-centred perspectives of both sending and receiving countries often either misinterpret or "plainly ignore" the trans-national orientations of those who hold multiple citizenships (Bauböck, 1998: 26; Vertovec, 2001: 17).

The problematic of holding multiple citizenships is highlighted in a particular way in the context of the evolving legal framework of the European Union. According to the Maastricht agreement (1993), European citizenship is extended to all those who are citizens of the countries belonging to the Union. But it is specifically stated that this level of citizenship does not negate the legal arrangements for citizenship and for nationality that are accepted by each nation-state party to the convention. The EU does not presume to instruct member states on how to handle issues of nationality and citizenship for the population of migrants – European and others - and their kin. Still, the very existence of the European Union has an impact on the demand for multiple citizenships. For one thing, membership in the Union signals an agreement to free movement of populations, as well as goods and information, between member states; such movement is likely to lead migrants to settle down in the receiving country. Moreover, since the EU is made up of relatively prosperous states, there is pressure on member states to admit migrants from the not yet developed global south; such migration is betimes construed as necessary to the labour market in the receiving states. Clearly, therefore, in each country the policies that are adopted evolve in light of its particular history and its particular cultural orientations.

This book focuses on citizenship, especially multiple citizenship policies and their implementation in Britain, Estonia, Finland, France, Germany, Greece, Israel, and Portugal. It presents findings from the first phase of a research project, *Dual Citizenship, Governance and Education: A Challenge to the European Nation-State* (DCE), which was carried out in the years 2002 to 2006.[1] The consortium of eight participating countries includes a wide variety of states, from politically influential EU states (France, Germany, the United Kingdom) to the representatives of relatively small Member States (Finland, Greece, Portugal), and a 'new' EU member (Estonia). Israel, from outside the EU, has associate status and is strongly committed to Europe. All the participating countries face challenges caused by the increase in trans-national mobility. In addition to new immigration countries, the consortium includes countries dealing with issues related to the integration of second and third generation immigrants. In a word, the issues surrounding multiple citizenship are on the agenda of all the countries in the consortium, albeit with differing experiences from country to country.

In order to clarify how regulations have been defined and expressed by European and state authorities, the project partners have analysed both international agreements and national legislation and documents which form the basis for the attribution and/or acquisition of multiple citizenship, as well as for the deprivation of citizenship. To explore the elements that these policies and programmes share at the multi-national level, and the elements that can be regarded as solely national, the content analysis was carried out in four phases: (1) identification of the material relevant to the study; (2) interpretation of the nature of the policies; (3) comparative analyses of the policies; and (4) identification of challenges for the future.

<div align="center">BASIS FOR ANALYSES OF MULTIPLE CITIZENSHIP</div>

We suggest that the most useful point of departure for analyzing configurations of citizenship in general and of multiple citizenship in particular is the view that citizenship is a contract between population groups and governments. Such a view enables the analyst to critique legal arrangements in terms of "good faith and fair dealing" (Principles of European Contract Law, 1998). Beyond the content analysis, detailed demands on the parties to the contract – citizens and the state - can be decided on the basis of empirical inquiry. Two main principles underlie the conditions of contract: sovereignty and rights. Let us see how these principles can be understood.

Sovereignty

Sovereign states represent a "nexus of power and place" (Castles & Miller, 1998), territorial units with internationally recognized borders within which a population is governed by law. According to the *Stanford Encyclopaedia of Philosophy* (Philpott, 2003), the core meaning of sovereignty is "supreme authority within a territory." Having established that, however, the article goes on to explain that to

understand sovereignty, one must examine cases to disclose its "absolute or non-absolute" nature, as well as to survey its "internal and external dimensions." In light of the Treaty of Westphalia (1648) which established the state as the organizational principle of Europe, state sovereignty was conceived by eighteenth century analysts such as Hobbes and Bodin, as absolute toward individuals, or groups, who constitute the population in the said territory, and absolute in regard to other states because mutual non-interference is the focal principle of inter-state relations. This rather simplistic perception has not gone unchallenged. Over time, the locus of authority, like the perception of the relevant territory has undergone many changes. In different places, and in different periods, sovereignty has been conceived as the authority of kings, dictators, or authoritarian groups, such as, for example, the communist party in the FSU. In the modern liberal democratic state, supreme authority is lodged in the law rather than in a particular ruling body. Even the limitations exercised by supranational organizations and the implied limitations imposed by the threat of a loss of legitimacy have to be seen as displacing sovereignty rather than eliminating it. In the dynamic situation that states face today, sovereignty has to confront several dilemmas.

Internally the sovereign law is not always able to deal with the increasing social differentiation that the complex societies developing within state territories are undergoing. Furthermore, in democratic states, the fact that laws are made "at the center" with little consideration of pressures from the periphery, threatens the legitimacy of the sovereignty of state law (Lindahl, 2004: 90). But state sovereignty is also contested from without. The multi-level polity which has been brought into being by the European Union cuts into state sovereignty as well. EU decisions taken by consensus have instituted procedures and organizations, which, despite all the self-effacing phrases, impinge on the sovereignty of the member states. Policies related to finances, to market practices, to political forms as well as the covenants that deal with human rights place constraints on member states, and, it has been said that "sovereignty itself has to be conceived today as already divided among a number of agencies, national, regional, and international, and limited by the very nature of this plurality" (Held, 1991: 222). Moreover, decision-making "involves the participation of supranational, national and sub-national actors in such a way that neither the supranational nor the sub-national actors can be viewed simply as agents of the national authorities" (Lindahl, 2004: 90).

Still, the state claims sovereignty in regard to who is to make up the 'people' of the state – who is to be included as a citizen- member of the state, and who excluded, and, according to Petersmann (2004: 146), "the democratic exercise of government powers defining, balancing, protecting, and promoting human rights, legitimately differ from country to country." The European Union has, moreover, introduced constitutional safeguards of equal liberties and taken steps to strengthen "the sovereignty of citizens" (Petersmann, 2004: 161).

Rights

In the philosophical literature, discussions of rights are part of the discursive problems of ethics. Issues raised include moral dilemmas and the types of choices that are defensible; queries as to whether a moral view of rights can lead to immoral actions; views of how a claim to rights is correlative with duty, and how rights function as the jural opposite of no-right (Hohfeld, 1919/1964).[2] In the social sciences, rights are discussed in terms of their justification and the means for their recognition. Among the people of a sovereign state, contracting for citizenship is worthwhile because being a citizen endows people with the right to make choices without interference as to the type of life one wants to live (Mill, 1859/1956). In democratic states, it is accepted that equality is the basis for justice. Thus, attaining equality with citizens provides persons and groups with legitimate rights to register demands for fair dealing. These demands have support from a series of international documents.

   In the wake of the Universal Declaration of Human Rights adopted by the UN in 1948, one may point to three generations of rights. First generation rights are the civil and political rights that can be taken for granted in liberal democracies, among them dissent, participation, non-arbitrary arrest and detention, as well as non-discrimination because of gender (Edmundson, 2004:174). Second generation rights include personal rights to minimal subsistence, but also group rights to cultural integrity to the point of organizing politically in order to perpetuate unique cultural traditions; such organization may lead to demands for national self-determination (Edmundson, 2004: 182). To date, the so-called third generation rights are "manifesto rights" relating to areas of action such as preserving the environment for future generations, and foreseeable rights of the oppressed to "destabilize" oppressive regimes (Unger, 1987).[3] At the same time, Article 15 of the Universal Declaration cites citizenship, i.e., the negation of statelessness, as a basic human right.

   Discussing citizenship as an explicit contract turns attention to the interests of the contracting parties rather than their presumed values. Such a perception of the interchange between state and person enables a more objective scrutiny of multiple citizenship.

IMPLEMENTING SOVEREIGNTY AND GRANTING CITIZENSHIP

In modern states, many of which are nation-states, both state and citizen need a contractual agreement to ensure legitimacy – of rule for the one, and of free movement and of residence, for the other. The core issue of the relationship between the state and its population is that of political legitimacy. Legitimate state governments can legislate which categories of persons are to be excluded from citizenship and why. They have the privilege of regulating criteria, such as age, period of residency, state of health, capacity for self-sufficiency, and knowledge of the local language, for determining which groups will be included and which barred (Jupp, 2002). Among others, minors, invalids, convicts, and the mentally

handicapped may be disqualified for citizenship, if only because of the assumption that their capacity for dialogue in the public arena is defective or unsound. In a dynamic perspective, the state may decide on inclusion on the basis of a rational calculation of needs in the labour market, in security, or in other domains of collective living (Bauböck, 1994: 199).

Depending on the population to which the state is oriented, collections of rights and duties that comprise citizenship may be construed in three different ways: as *national, republican,* or *societal* (Bauböck, 1998: 32). The distinctions are important because each definition "resolves the tension between the territorial rigidity of the state system and the territorial mobility of societies" in a different way. Moreover, each of the orientations to citizenship presupposes different rules of inclusion or exclusion, and a different regime of incorporation - a different mode of integrating various individuals and groups into society. When the *nation* in whose name the state was founded is emphasized, citizenship is considered the privilege of members of a specific linguistic, religious, or cultural community. This type of definition assigns citizenship to a community that has a life independent of the state and extends the privilege of citizenship beyond its territorial borders, to "diasporas" identified wherever nationals may happen to reside outside the state of the designated territory. Alternatively, a *republican* definition of citizenship prioritizes the political community over cultural affiliations. In this view, the rights of citizenship are reserved for elites who are qualified to take part in state politics, while "denizens", temporary or permanent resident foreigners, may make up an important part of the population, but are not recognized as full citizens (Hammar, 1990). They are obliged to accept some degree of exclusion. Most inclusive is a *societal* definition of citizenship. It is based on the view that citizenship is an expression of dependency on the state by the entire population *that resides within its borders*. This dependency can be conceived of as creating state responsibility, for an undifferentiated population. By contrast with the collective orientation of both the national and the republican types of citizenship, this perception recognizes the codified rights and privileges of citizenship as "personal rights" (Soysal, 1994).

Normative theorists envision a world in which citizenship is an inalienable human right, one that remains intact no matter where people immigrate. In point of fact, however, nation-states aspire to preserve homogeneity and deploy their sovereignty to exclude people who are not members of the core nation. Recent studies of the situation in European states (Joppke, 2005) show that the norms of equality are honoured in principle – and in rhetoric. Despite the declared intentions, however, European states have developed diverse legal measures that privilege inclusion in the citizenry of ethnic similars above all (cf. Joppke, 2005). According to Joppke, under the de-ethnicizing headings of globalization, international cooperation, and liberalism, what is actually happening is a steady legislated re-ethnicization of many states, among them Germany, France, Spain, Portugal, and Hungary. Preferences for ethnic kin signal a regime of *national* integration that is presumed to contribute to the strengthening of an entity as a *nation*-state. This trend has several outcomes. With the granting of special dispensation to 'similars', they become natural candidates for multiple citizenship.

At the same time, this lowering of the barriers to multiple citizenships accords with the liberal rhetoric embedded in international discourse. Deeds countering the democratic intent against groups that are not 'similars' are likely to arouse international opposition and to spur pressure on the state for the extension of multiple citizenship to groups of immigrants with no discrimination. These questions are among those examined in each of the articles in this collection.

In our analysis, we relate to two central ways of defining citizenship: (1) *Citizenship as status* and (2) *Citizenship as practice* (Oldfield, 1990; Lister, 1997). The former is primarily concerned with the rights and duties associated with membership of a society. The latter views citizenship as a set of practices which define individuals as competent members of a community. Practices of the state can be traced in the manner of granting juridical, socio-economic and socio-cultural rights. To examine practices of the citizen, we must focus more on the attitudes and actions that promote active citizenship (Johnston, 2003). In spite of the increasing interest in trans-national migration, relatively little is known about how best to help foreign arrivals learn active state membership in their new home countries. With regard to dual citizens, a key issue of concern is the kinds of educational activities that are necessary in order to help them take an active role in more than one country, or rather, to take an appropriate role in each of the countries whose citizenship they hold. Failing suitable action, multiple citizens may rely on conceptions of citizenship that will doom them to exclusion and reinforce their alienation, even as they learn to take exclusion from certain aspects of citizenship for granted (Holford, 2002; Veen & Holford, 2003).

The chapters in this volume examine how the complex issues associated with multiple citizenship are dealt with in each of the eight partner countries of the research project. In the introductory chapter ("Theorizing multiple citizenship"), Kalekin-Fishman, Tsitselikis and Pitkänen provide a comprehensive picture of theoretical and legal concerns in light of the current conditions in Europe. Each of the succeeding chapters is devoted to an examination of how theoretical, juridical, political, socio-cultural, and socio-economic affairs are dealt with in the countries researched.

In describing the situation in Great Britain, Smith and Verma ("Dual citizenship: The British position") point out how the background of 'subjecthood', with all fellow subjects sharing the same rights and responsibilities, made it relatively easy for dual citizenship to be accepted in Britain. Still, legislation to control the free entry of people from specified countries of the Empire and the Commonwealth has been at once a cause and a symptom of powerful divisive forces during the last forty years. The chapter also outlines the current state of education for citizenship in British schools.

According to Le Saout ("Dual nationality in France"), the principles of French law facilitate the acquisition of multiple citizenship. France allows citizenship both on the basis of birth and on the basis of immersion in French society through socialization, or education. Aliens who experience life in France and study in French schools are granted citizenship even if they hold citizenship in another country. French law stresses the importance of integration – and that often means

constraints for assimilation to the French nationality and to doctrines of French republicanism even if a person holds citizenship in another country.

Schröter, Jäger and Jäger ("Multiple citizenship in Germany") discuss the tensions that attend public discussions on multiple citizenship in Germany. Sketching the conceptual and historical background that led to the enactment of the Nationality Act of 1999, they present statistical data on multiple citizenship and selected indicators of socio-cultural and socio-economic integration. They also survey modern German education for active citizenship which aims to meet the challenge of developing politically mature citizens for a democratic republic.

The main concern of Harinen, Pitkänen, Sagne & Ronkainen ("Multiple citizenship as a current challenge for Finnish citizenship policy") is to analyze how Finnish citizenship practices, policies and legislation relate to multiple citizenship and interrelate with immigrants' participation in the political, social, cultural, and economic subsystems of Finnish society. In the chapter, they analyze how politico-legal and social state memberships have been reshaped in Finland in the wake of trans-national mobility, and the attendant changes in the traditional relations between the state, the nation, and the residents of the country.

Looking at immigration as a challenge to socio-economic and political policies, Tsitselikis examines juridical and administrative practice in his paper, "Citizenship in Greece: Present challenges for future changes." The chapter presents and analyzes the historical background of citizenship law in Greece and of the legal regulations currently in force. Examination of juridical procedures highlights the importance placed on identification with an ideal type of "Greekness" for acceptance into Greek society.

Presenting data on the main trends in migration (immigration and emigration) in Portugal, Ramos and Gomes ("Dual citizenship, governance, and education: The situation in Portugal") analyze national legislation, policy documents, and specific government and non-governmental programmes, as well as relevant international agreements, in order to clarify Portuguese policies on citizenship and multiple citizenship.

The checkered pattern of Estonian sovereignty, liberation from the Russian empire in 1918, annexation by the USSR, and deliverance again in the 1990s, is described by Kalev and Ruutsoo in "The shadow of the past and the promise of the EU: National and multiple citizenship – the Estonian case". Recent history has left Estonia a young and still fragile nation-state which can be characterized today as a community facing the heavy pressure of history and the challenges of a new future. Having not yet completely come to terms with its post-Soviet heritage, today Estonia is finding full membership in the EU to be a strategic choice no less dramatic.

After referring to how terms related to citizenship are used in Israel, Kalekin-Fishman ("Multiple citizenship, mark of dominance and privilege: The situation in Israel") describes some of the historical background that has shaped the nation-state. The chapter demonstrates how different sub-collectives in the state are viewed and the implications for the situation regarding multiple citizenship. Legal distinctions are examined with attention to their effects on people's lives. In

conclusion, an assessment of the likelihood of change in the current political climate is presented.

The Postword sums up the materials by citing how sovereignty and rights are dealt with in the corpus of law in each country and by presenting some conclusions that can be derived from the survey.

NOTES

[1] The project, Dual Citizenship, Governance and Education: A Challenge to the European Nation-State (DCE), was funded by the European Commission's DG-Research (5FP).

[2] Hohfeld saw rights-claims as an element in series of behavior 'molecules' with jural correlatives and jural opposites. According to Hohfeld, jural opposites are: Right – No-right; Privilege – Duty; Power – Disability; Immunity – Liability.

[3] The right to overturn an unjust government, which was formulated in the American Declaration of Independence (1776), is here, for the first time, given the status of a general right of all those who see themselves as being oppressed by some government presumed to be legitimate.

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THEORIZING MULTIPLE CITIZENSHIP

Because of upheavals in international affairs, with concomitant effects on the status of individuals, it has become increasingly important to shape a theoretical understanding of multiple citizenship, as well as to deduce practicable recommendations for policy-makers in immigration and education. In this chapter, we will look at some of the theoretical elements that affect the meaning of multiple citizenship for states and for individuals. After looking at why multiple citizenship is an urgent issue at this time, and at some of the practical difficulties that arise for states and for their populations, we will look at theoretical underpinnings of the issues, discuss measures that have been proposed for assessing its impact, and point up ambiguities. In the second part of the chapter, we present a survey of international conventions related to multiple citizenship; and in the third part, we draw out implications of the theoretical background and the legal situation for grasping the problems that arise, and for education in citizenship, or, rather, educating for multiple citizenship.

MULTIPLE CITIZENSHIP – A CRITICAL ISSUE IN CONTEMPORARY SOCIETIES

Dual and even multiple citizenship is a critical issue in contemporary societies
first and foremost because of the transnational mobility which has become a common phenomenon since the end of World War II. Immediately after the war, many people were left without homes or places of work, and, as "Displaced Persons", had lost the status of citizens.[1] At the time, the best available solution was to gain admission to the states that define themselves as "settler, or immigration, states," among them Australia, Canada, New Zealand, the United States of America, and Israel (see Bannerji, 2000). Since then, encouraged by open communication and easier access to transportation, worldwide migration has swelled both within states and internationally. In every country, there has been extensive migration to urban centers, so that currently most of the world's population resides in urban areas (Ashford, Haub, Kent, & Yinger, 2004: 12). Moreover, at least three per cent of the world's people are international immigrants and the numbers grow by five to ten million per year. In the search for economic opportunities, many migrate from "one less developed country to another," as well as to countries that are part of the developed world. The scale and speed of immigration during the twentieth century and into the twenty-first have created conditions where growing numbers of individuals work and live in an area or in a state that is not the region or the country of their birth. Among them, about

fourteen million of the 175 million international immigrants estimated in 2004 are refugees from political violence and seek asylum in democratic states (Ashford et al., 2004: 12).

In the European Union, these processes are ever more salient. The Maastricht Treaty of 1993 facilitated the passage of goods, money, and labor among the signatory states. Conventions of the EU regulate the minimal rights of migrants from one member state to another. Whether or not such migrants will be granted full citizenship is, however, left to the discretion of the host state (see Section on "Multiple Citizenship in Light of International Law" below). In addition to migration between member states, there is also a stream of labor immigration from so-called "third" states outside the European Union (Favell & Geddes, 1999). Although often discussed as a demographic problem, the fact is that this type of immigration has not been stemmed because such immigrants help solve economic problems. For one thing, they accept low-paying jobs that are likely to be temporary. For another, immigrant workers help solve threatened economic crises in wealthy states with declining birth rates. There, the number of people retiring from work with generous pensions has grown, while the number of young people entering the labor market has declined. The upshot of this development is that since the 1980s immigration has become a resource of cardinal importance for maintaining a way of life. Thanks to immigration, states such as Germany, France, and Sweden have been able to maintain a semblance of a welfare state. For another, states regulate immigration from "third" states, imposing limitations on the number of immigrants as well as on the duration of legal residence according to the perceived cyclical needs of the economy. Thus rationalistic policies create groups of immigrants of significant size who are recognized only as 'temporary.' Yet, because opportunities for finding work are often available, such immigrants are likely to transfer their domicile and the "center" of their lives to the new country. In many states their position is stabilized to the point where they have significant political and social rights. Still, the ties with kin, like links with cultural and linguistic roots, do not wither away. The easy access to transportation and communication that makes immigration possible enables groups of immigrants to preserve bonds with their countries of origin. To maximize opportunities for enjoying the benefits of both the world of work and the world of culture, immigrant workers are likely to have an interest in being considered citizens of their states of origin and of the countries to which they have migrated.

FACING PRACTICAL DIFFICULTIES – PROS AND CONS OF MULTIPLE CITIZENSHIP

From the point of view of the receiving states, granting a second citizenship to immigrants who wish for one reason or another to preserve bonds of citizenship with their countries of origin, is often interpreted as a threat to the autonomy of the Westphalian state, i.e., a way to undermine the state's privilege of determining rules of inclusion and exclusion in its permanent population. There are also practical political difficulties. Recognizing claims to citizenship by citizens of

another state implies that a state must have administrative arrangements with the countries of origin of diverse groups of immigrants. How cooperation is to be effected and the extent to which the legal systems of the states involved are compatible are at best open issues. A further issue is that of public opinion within the receiving state. Governments have to consider whether or not veteran citizens will accept the full partnership of latecomers, and they must deliberate on how to ensure that there is what may be thought of as a "just" differentiation between these sectors.

Pressures *for* recognizing multiple citizenship are generated, however, by factors outside the state as well as by factors inside it. External factors include the Universal Declaration of Human Rights enacted by the UN in 1948. In the Declaration, it is established that no matter what the official status of an individual, every state Is obliged to act so as to accord every individual the human rights detailed in it. For state   members of the European Union, furthermore, there is an obligation to act so as to ensure the orderly implementation of covenants ratified by members. Agreements currently in place provide for open borders, a condition that implicates serious consideration of the possibility of granting a second citizenship to immigrants from EU states. A practical consideration is the situation that arises when immigrant workers from states outside the Union are needed in the labor market for relatively lengthy periods of time. Even as undocumented "illegals," they become long-term residents, are likely to marry (perhaps marrying citizens of the country of residence) and have children, who have no connection with the state, or states, in which their parents hold citizenship. Under any circumstances, the progeny of "illegal" workers require the services of the country of *their* birth – health, education, security; and these services are recognized as an obligation under the Universal Declaration for Human Rights (UN, 1948). Changes of residence are a realistic option even when travelers do not initially have an interest in migration. Thus, some immigrants start out as tourists and may simply refuse to leave the state they are visiting. Although it may seem logical for a state to restrict the number of citizenships allocated to people who were supposed to remain only temporarily, it is also found necessary to consider that marginalization of immigrants and their families may endanger the general well-being. Marginalized populations may encourage deviance and crime that is a danger to the society as a whole, and if left to the fate of poverty, they may pose a threat to public health.

Since all the states whose policies are analyzed in this volume can be classified as modern liberal states, possible resolutions of the practical difficulties cited above can be sought through an analysis of several foundational issues. Construals of principles that are inherent to the formation of the modern liberal state – principles of sovereignty and rights, principles of nationality, democracy, and identity underlie the contract of citizenship, and have implications for conclusions as to the meaning of granting multiple citizenship and as to the types of educational action that are appropriate because of this burgeoning status. Let us look at some of these building blocks, their connection with citizenship, and its meaning under diverse circumstances.

FOUNDATIONAL CONCEPTS

Nation

"People whose common identity creates a psychological bond…." constitute a nation. This bond is based on the perception that although the people of a nation may belong to diverse [geographical] communities, they have a common language, a common culture, i.e., joint traditions and symbols, recognized ethnicity, and history (*Encyclopedia Britannica,* 2002). Symbols which are meaningful to the collective guide a people's identification with the nation, often to the point where loyalty and devotion to one's nation is valued above loyalty to other groups or even to individual interests. Building on this perspective, Smith (1991: 14) sees the nation as "a named human population sharing an historic territory, common myths and historical memories [as well as] a mass, public culture …" His approach reifies nationhood, implicitly denying Anderson's (1983) view that nations are "imagined communities," that is to say, communities that do not pre-exist the invention of memories and symbols. In modern times, a group's recognition of itself as a nation is the key to its aspiration "to be allied, to a state" (Weber quoted in Joppke, 2005: 4).

States and Nation-States

Quoting Weber, Chabal and Daloz (2006: 227-230) point out that the Western state came into being as a consequence of processes of *centralization, monopolization, differentiation of roles of governance,* and *institutionalization.* A state is a privileged legal or constitutional order which has capacity for administration and control of its territory (Held, 1985: 1). The *Britannica* (2002) lays these qualities out schematically asserting that "the state is distinguished from other social groups by its *purpose* (establishment of order and security), *methods* (enactment of laws and their enforcement), *territory* (its area of jurisdiction), and *sovereignty* (range of autonomous decision-making)." A 'nation-state' is a political entity that explicitly serves a recognized nation. Some theorists posit that the sovereign nation-state is "the 'natural' political condition of humankind". That is to say that "every 'nation' has a right to its own territorially delimited state" and "only those who belong to the nation have the right to participate as citizens of the state" (Giddens, 1986: 259). It has also been suggested that within the nation-state's borders, the population participates in "a common economy and common legal rights and duties for all members" (Smith 1991: 14). Thus, the population of a nation-state is presumed to be allied politically, relatively homogeneous culturally, and organically linked through the economy. These links justify the perception that a nation-state is a total society and the group that is collectively bound by state decisions constitutes its citizenry. In democratic nation-states, the citizenry has the right to influence decisions for the collective.

By contrast with the limited border areas of the agrarian economies of the past and the rigid bureaucratic administration of borders under early industrialization, today territorial borders are "blurred" as immigrants tend to travel back and forth between their countries of origin and the receiving countries (Bauböck & Rundell, 1998). As a result, contradictions are generated both internally and externally (Bauböck, 1998). Internally, with the flux in population, more abstract boundaries of the polity are "smudged" as an increasingly diverse population affects interpretations of political issues on the public agenda. Increased pluralism within nation-states often breeds pressures for cultural (linguistic, religious) self-determination and autonomy, as well as for cultural maintenance (Bauböck & Rundell, 1998; Castles & Davidson, 2000). Externally, movement is spurred by the pressures of globalization - the de-territorialization of economic activity by international corporations that are indifferent to the location of production. With the proliferation of multinational corporations whose production spreads over several countries and whose output is regulated to meet perceived demand throughout the world, processes of intensifying economic interdependence are evident on all the continents. The movements of workers are sensitive to these regulations. Moreover, decisions and actions long thought of as domestic affairs, must now consider effects of, and on, other states (Guehenno, 1995). In these developments, McGrew (1992: 24-26) sees the effects of superpower rivalry throughout most of the twentieth century, as a mainspring of technological innovation and its diffusion, of the internationalization of production and exchange, and the imposition of Western forms of the modern on societies across the globe. Thus, all hitherto sacrosanct dimensions of statehood are contested.

Because of these processes, assumptions that justify the exclusiveness of nation-states are interrogated by practice. There is increasing tension between the presumption of homogeneity, the notion that citizens are all similar and therefore equal, and the reality of cultural diversity. While most states insist on the image of a uniform nation, only five per cent of the world's population is to be found in homogeneous states (Barber, 1995). With its panoply of citizens, denizens, short and long-term residents, the population of the overwhelming majority of states is made up of groups with different backgrounds that constitute a multicultural aggregate. The physical presence of diverse cultural groups constrains states to develop explicit policies connected to the distribution of resources and the standardization of requirements in the realms of political and civil society (Keane, 1998). These procedures may or may not be democratic.

Democracy

Soysal (1994) underlines the democratic nature of citizenship. Her vision of citizenship fits in with the type of democracy that "denote(s) a form of state with all the following characteristics. It has (1) a representative government elected by (2) an electorate consisting of the entire adult population, (3) whose votes carry equal weight, and (4) who are allowed to vote for any opinion without intimidation by the state apparatus. Such a state is a bourgeois democracy in so far as the state

apparatus has a bourgeois class composition and the state power operates in such a way as to maintain and promote capitalist relations of production and the class character of the state apparatus" (Therborn, 1985: 262). Yet the insistence on extending access to privileges of citizenship to wider and wider domains of living, as well as to more groups in the population, seems to call in question the supposition that the capitalist system can be the foundation for democracy so defined. This supposition is countered by research. By looking at findings from research that traced the evolution of citizenship and capitalism in seventeen different countries, Therborn found that democratic forms of government could be shown to be a direct consequence of expanding production under capitalism. Because they needed a unified national base, capitalists mobilized the support of the working class by instituting democratic procedures. Moreover, developments internal to the capitalist class required a democratic orientation. Therborn (1985:270) points out that because "capitalist relations of production … create an *internally competing, peacefully disunited* [capitalist] *ruling class ...* divided into several fractions: mercantile, banking, industrial, agrarian, small and big," a political machinery of representative government becomes a necessity. Although we may allow that the democratic state was invented to advance early capitalism, that does not mean that citizens must surrender their power in the indiscriminate service of capitalism. Currently, citizenship is understood as a mandate for far-reaching participation in public affairs, and, minimally, for the monitoring of power. Given that democracy and citizenship have evolved together with capitalism, Jessop insists that only through *action* is it possible to ensure that citizenship will guarantee democracy. In his view, citizens must be active, exercising their rights in a constant struggle to ensure "the realization of those legal and social conditions necessary to popular control of government" (Jessop, 1985/1978: 286). The theoretical definitions of citizenship as a comprehensive 'societal' status can be seen as part of that struggle.

The key difference between a democratic and a non-democratic entity is the opportunity structure for full political participation. To join the European Union, for example, nation-states are required to show proof of "stable institutions," among them the rule of law, respect for human rights, protection of minorities – in short, they are required to demonstrate that they implement democratic procedures (Joppke, 2005). In this context, democracy is usually understood as representative democracy – a system whereby citizens choose representatives who in turn, make decisions about collective life within a particular territory. Following Marshall (1949), theoreticians of citizenship tend to define the extent of democracy in terms of the distribution of social and economic *participation* as well as in terms of equality before the law (Hammar. 1990; Fennema & Tillie. 2001). As we have seen, international institutions are in place to encourage practical opportunities for formal participation. There are also institutions for informal participation. Apart from continent-wide elections for the European Parliament, for example, the European Union has a permanent Petitions Committee, to which European citizens who have complaints against any aspect of government may turn. At least 1500 petitions from concerned groups of citizens are received annually (Bavely, 2006).

Another area of participation, fostered by the UN, is "global civil society" where pressure for democratization is the main task (Friedman, Hochstetler & Clark, 2005: 32). Following "state-society relations at UN world conferences," the authors report that the sweep of processes among citizens across state boundaries is having a growing influence on international developments, and has repeatedly shown that it works to democratize the state system. Their conclusion is that the democratization of global politics correlates with deepening democratic relations at home (Friedman et al., 2005: 95), relations that are intimately connected with issues of nationality and citizenship.

Nationality and Citizenship

Citizenship has traditionally been viewed as an exclusive link between individuals and 'their' states. The meaning of the mutual obligation of individuals' allegiance, on the one hand, and state protection, on the other, has undergone far-reaching changes since it was first introduced. From ancient Greece where citizenship was granted to male owners of property, it was translated into a privilege of free Romans. In European city-states of the Renaissance, the concept of citizenship – still for a select group - took on renewed importance. In modern times, the full complement of citizenship rights and duties has been conferred on an increasingly wide circle of adults to include workers who do not possess property, women, and youths under the age of 21. The criteria for attaining citizenship concur with a liberal philosophy that views individual freedom as the basis for a rational democratic regime. A phenomenon that is intricately involved in the formation of the modern nation-state, citizenship is analyzed theoretically from several different points of view. For some analysts, the significant connection is that between the state and civil society, or the state and the community. Others find it necessary to analyze citizenship in terms of a triangular relationship: citizenship as a relation to the (political) state and to (the economic system of) capitalism.

In the liberal and liberalizing nation-states that have developed since the nineteenth century, citizenship is the prerogative of nationals, people with a recognized nationality (Hammar, 1990). Depending on the legislation of the state, nationality may be acquired by virtue of having been born in a given territory, *ius solis*, or by virtue of having been born to parent(s) who belong to the community by birth, *ius sanguinis*. Alternatively, adults may attain citizenship by fulfilling the legal requirements for naturalization. In democratic states, this prevalent, and sometimes only, link between the state and the individual ensures freedom of movement (in and out of a given territory), respect for individuals' rights, and the legitimacy of state-imposed duties. Similarly, citizenship minimally ensures rights of participation in political activity. But there are constituents of citizenship that go beyond the legal formalities; citizenship signals membership in a community, a membership that is one of the most significant elements in individual identity. All told, then, the most important difference between the terms 'citizenship' and 'nationality' is probably the distinction between 'citizenship' as a set of privileges granted by the state along with concomitant duties, an on-going process of

appropriate activity; while the term 'nationality' emphasizes affective dimensions of affiliation with the nation identified with the state. Difficulties in conceptualizing the possibility of multiple citizenship derive from the wide range of meanings accorded citizenship in people's lives (see Arendt, 1963; Hammar, 1990; Rawls, 1985).

Social scientists often use the concept of citizenship in the abstract sense, but for empirical studies of citizenship, the concept needs to be broken down into the pertinent dimensions. A classical, widely used conceptual categorisation follows the ideas of Marshall (1950), who described citizenship as comprised of *civil rights*, *political rights* and *social rights*. Civil rights encompass all rights required for individual freedom (e.g., the right to own property, freedom of speech, and the right to justice). Political rights include all rights related to the electoral process (the right to vote, to elect and be elected, etc.). Finally, social rights are those that appear as the most controversial of all, including not only a modicum of economic welfare and security but also what is necessary for individuals to live a truly satisfying life (see Torres, 1998: 424-425). A number of researchers have offered critical analyses of Marshall's thesis (e.g., Pateman, 1989; 1991; Roche, 1992; Davis, 1997; Rocco, 1997: 14; Torres, 1998: 429). It has, for example, been argued that Marshall predicated his analysis of citizenship on a *mono*cultural context - in a state that was considered to be ethno-culturally rather homogeneous. Today, there is a need to examine what complexities must be recognized in order to address the dynamic of citizenship in contributing to the formation of transnational identities in *multi*cultural societies. In the following we describe several salient aspects of citizenship. Then we examine these aspects as they are related to multiple citizenship.

Citizenship as a Multi-Positioned Status

To enhance our understanding of what is involved in citizenship, and especially in dual and multiple citizenship, we will, in this book, consider 'citizenship' as a configuration of multiple positions occupied by individual state members. Resting on Marshall's three-faced conceptualization, with two amendments, the articles in this collection treat citizenship as a complex construct that can be analyzed from at least four points of view: (1) juridical status; (2) political citizenship; 3) socio-cultural citizenship; and (4) socio-economic citizenship. Underlying our conceptualization is the understanding that in a multicultural society, there are multiple frameworks for experiencing citizenship and for learning its variegated meanings as status and as practice (see van Steenbergen, 1994; Castles & Davidson, 2000).

(1) Juridical status
With regard to the juridical dimension of citizenship, we are concerned with the degree to which citizens have access to social justice - in everyday activities as well as in the law courts. Thus, juridical citizenship implies multiple relations between individual citizens and their communities, relations constructed on the

basis of rights and duties, both formal and informal. In addition to normative and moral commitments, citizenship involves obligations related to maintaining and defending the prevailing societal order. From the point of view of the individual, juridical citizenship signals membership, which involves equality with all other members before the law.

(2) Political citizenship

Etymologically, being a citizen is primarily a political (*polîtikos*) classification. In the ancient Greek city-state, the citizen, literally the inhabitant of a city, was a person who enjoyed full rights of membership of a city-state. Even today to be a citizen "officially" means to be a member of a state - to have a position or status attached to rights and duties. The core of citizenship in this sense is participation in deliberation and decision-making. On an ideal level, Western democracy refers to a situation where an individual citizen has the right to place him/herself on a politically equal position in relation to other citizens. This is supposed to be an outcome of negotiation and of shared, common agreement. Thus, in modern European nation-states, democratic political participation has been described by the metaphor of "voice". Each citizen should have a voice of equal scope in the polity (Harinen, 2001).

   In practice, legal provision for citizenship entails exclusion. The level of political rights granted to foreigners depends on how the relationship between citizenship and nationality, or ethnicity is construed by the political authority. In many European states, there is a close connection between the rules for acquiring membership in the nation and political rights. In these 'thin' conceptions of political citizenship, however, duties usually handed over to women are conspicuously absent (Bubeck, 1995). To overcome women's exclusion (among others, because army service is gendered, and women's place is "cemented"-in-the-home), Bubeck recommends a 'thick' model of citizenship, which would create spaces where the private virtues and skills attributed to women are recognized as the concern of the public, and embedded in a holistic perspective on citizenship. With this characterization, care, often cited as the peak capability of women, can be linked to membership in a political community on the basis of its rational grounding in political issues.[2]

(3) Socio-economic citizenship

The socio-economic dimension of citizenship includes rights to a steady income, housing, education, and retraining over the life course (Torres, 1998: 437). All these are usually materialized through employment; it is a crucial part of what Parsons (1965) calls "full membership in the societal community." Unfortunately, foreign residents often share considerably lower rates of employment than does the rest of the population, and unemployment among those who are part of the workforce is far greater than that of the rest of the population. With the anticipation of labor shortages, however, a need for recruiting foreign labor and demands for adopting an active immigration policy have emerged as a topic of political discussion.

(4) Socio-cultural citizenship
Besides rights and obligations, citizenship must also be seen in terms of
participation in the social and cultural spheres. The investigation of citizenship
remains a merely formal exercise if the socio-cultural domain is not taken into
consideration if only because the idea of citizenship is realized through
participation in civil life and in real opportunities to accomplish an individual's
personal "politics of life" (Harinen, 2001). Even when people of foreign
background have juridical and political rights, social and cultural exclusion still
denies them the chance of having any real say in the decisions that affect their lives
(Kelsen, 1999: 181- 183; Castles & Davidson, 2000: 11). If ethno-cultural
differences are defined as a problem, and there is no endeavor to create the right
circumstances for full recognition of their national membership, the members of
these minorities are in danger of being perpetually marginalized outsiders
(McCollum, 1999; Yuval-Davis, forthcoming). Community, partnership, and
participation are correlative with satisfying experiences of togetherness, belonging
and collective identity. Socio-cultural exclusion from national membership has
long-range effects on the emotional adjustment of migrants and on the viability of
their identities.

(5) Measures of Citizenship
It must be allowed that the viability of multiple citizenship depends on how
citizenship is conceptualized and assessed. By contrast with the literature that is
satisfied to describe the status, citizen, as a bundle of universalistically conceived
rights, Zincone (1999) points out that rights are clustered variously for different
groups to create diverse *content* of citizenship. This insight can help understand
what clusters are conducive to multiple citizenship and what kinds are not. In her
view, political and civil rights alike can be measured according to their extension
and inclusion, their incidence and liberating power, their pluralism and tolerance
for difference Zincone (1999: 12). These building blocks of models of citizenship
can help clarify how different states realize citizenship and whether or not their
different approaches are compatible. She suggests that it is possible to reach an
optimal social and economic order either through spontaneous agreements among
social groups (societal models), or through state intervention directed by an
enlightened elite (statist models). The success of such interventions depends on the
degree of fragmentation into social groups and the ideological distance between the
actors, on the one hand, and the degree to which their respective interests can be
reconciled on the other. A further consideration is the breadth and power of
dominant coalitions: whether the dominant coalition is hegemonic or pluralistic,
whether or not the coalitions allow the admission of fresh actors.
   By combining the criteria in different ways, Zincone compiles ideal types (in the
Weberian sense),[3] distinguishing between conservative and emancipatory models
that are either societal or statist. In her construction, the societal conservative
model gives political rights with high incidence, good pluralism, but a limited
extension; and offers social citizenship with low extension but a high level of
inclusiveness. In state-centered conservative models of citizenship, the state

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allocates social privileges to the elites, and sets up state-owned companies to counterbalance the power of private companies when they are suspected of disloyalty. Thus this type of conservative model can often serve as a prelude to totalitarianism. Among emancipatory models, Zincone cites the Scandinavian case with its non-selective concern for welfare as the prototype of the 'societal emancipatory' model. In the 'statist emancipatory' model, it is assumed that social relations and assets are constraining and false constructions that have to be dismantled and rebuilt by the moral action of law. Moreover, law is viewed as an act of will, an expression of the collective will, inspired by principles of equity. With the application of these ideal-types, it becomes possible not only to assess the degree to which the operation of citizenship fulfills the principles of a democratic vision, but also the practical distance that multiple citizens have to traverse in working through their multiple affiliations.

This is not the only proposal for evaluating citizenship. The primary concern of Bauböck (1998), as of Castles and Miller (1998) is to assess immigrants' access to citizenship rather than its content. Therefore, they each approach the issue of how to measure citizenship from a qualitative cultural vantage point. Bauböck's (1998) analysis of citizenship in liberal democratic nation-states implies that it is possible to measure the type of citizenship that prevails by examining how the national culture is maintained and reproduced through the working of institutions in the public sphere: public education, the public administration of general services, and the electoral system. These institutions are likely to create and reproduce the dominant national cultures by presenting them as "public goods." In a word, the public sphere is the domain of investigation for assessing how the rights of citizenship, presented as 'neutral' (see Bubeck above), are made available so as to serve the ends of the majority population

Castles and Miller (1998) suggest criteria for discovering the gaps between rights granted and rights denied, as well as inequities that upset the balance between rights and duties by setting limits on participation. There are, for example, situations of legal inclusion and de facto exclusion. Genuine participation is prevented, for example, when groups are granted the right to vote but excluded from social, economic, and cultural privileges. Participation is also undermined when there is a one-to-one relationship between rights and obligations, such as, for example, the right to suffrage on condition of compulsory military service. In general, Castles points out that it is possible to assess the contradiction between the conception that citizenship should be approved of according to national affiliation and the conception that citizenship with its full panoply of rights is a legitimate universal privilege of every individual (Rawls, 1985).

CITIZENSHIP AND IDENTITY

In discussions of citizenship in the context of state, society, and class, Foucault's writings shed light on the pervasive impact of citizenship regimes, accounting for their influence on how people live. Foucault (1981) traces the legal issues of how citizenship is connected with the sovereignty of the state in the procedures and

techniques that ensure control of the population even in democratic regimes. He insists that beyond the explicit rules of legitimacy, citizenship furthers the imposition of *power* through *discipline*. This is important, as he has shown in various researches, because the techniques of power and discipline surface not only in politics and in the state's treatment of delinquency, of insanity, and of sexuality (Foucault, 1965; 1977; 1978); but also in how people develop relationships in their immediate environment (see also Kalekin-Fishman, 2005).

Foucault's concern with practices, however, does not touch on the core problem that confronts the consciousness of individuals as citizens, the issue of identity, or of identification with a collective. The difficulty is, of course, in finding the bridge between the collective orientation that characterizes the affairs of citizenship and the private disquiet over developing a self-identity. Rouhana (1997) proposes a useful conduit. He discusses collective identity, in this case, collective identity as citizens of a given state, as a social structure the layers of which are held together by "affective axes". Rouhana's model of how identity is shaped converges with the theoretical analyses of citizenship as broadly based, defined in legal, political, socio-cultural, and socio-economic terms. In Rouhana's analysis, the configuration is made up of the legal-formal structures that define the place of the collective, the distribution of political power that positions a collective in a society, and the socio-cultural understandings that situate groups in the collective consciousness. Governed by economic constraints, each of these layers is affected by historical events and may, *at different times*, have different content, be differentially salient to consciousness, be valued in different ways, and be more or less central to the concerns of members. Clearly, the complex web of the collective identity cannot be located once and for all in the sum total of individual consciousnesses at a given moment of history (Rouhana, 1997; 16, 146). The interaction of the structure with significant historical events exposes it to dynamic changes. In every society, therefore, the processes affecting different groups are likely to interact in ways that may be mutually supportive or contradictory. These insights can be applied to every society, and to the citizens grouped in different communities within the society. In each individual, these contextual structures are organized around axes of attachment that are propelled by a core, nuclear self. Hence, the identity structure - the content, the salience, the valence, and the centrality of religious, cultural, national, or political layers of identity, together with the strength of the various affective axes differs. The model indicates that citizenship can be viewed as no less than an expression of the full self.

Possibilities of Multiple Citizenship

Issues in multiple citizenship disclose ambiguities and conflicts in all the dimensions of citizenship cited above as well as to the formation of identity.
From the point of view of juridical citizenship, the legal status of people with multiple citizenship seems to be inescapably ambiguous. On the one hand, as members of two civic communities, they may enjoy the privileges accorded to those recognized as peers in two states. On the other, however, multiple citizenship

may be a technique that serves as a means to claim exemption from carrying out some of the more demanding duties, such as civic obligations, tax claims, and military service. Furthermore, states may also threaten their welfare by the opposite possibility - double duties - can also be seen as a threat. The people who are citizens of two countries may find that they are treated as "servants of two masters" (see Rittstieg, 1994). Matters of political citizenship also raise questions about justice. Although the democratic principle would seem to require that foreigners whose domicile is in a particular state should be recognized as citizens, there are several questions to be answered with regard to the justice of allowing political citizenship in both the country of residence and the country of non-residence, usually, that is, of the country of origin. We may well ask whether it accords with democracy to allow an individual to be a political member and an active participant in decision-making in two states simultaneously. Is it just that a citizen who holds dual citizenship be on an equal footing with citizens who hold only a single citizenship in each of the two states? The very possibility of being a citizen in more than one state signals a negation of equality, which is the legitimating mark of citizenship in a democracy.

In the realm of socio-economic citizenship, multiple citizenship may be withheld to prevent the presence of multiple citizens as competitors in the labor market. While, for example, temporary immigrant workers are recognized as a convenient resource in an expanding labor market; and are welcome to fill low prestige and low-paying jobs; there are reservations about recognizing them as citizens. Allowing immigrants to hold a second citizenship in the state of domicile is interpreted as hazardous in that these citizens are unfair competition for desirable positions when jobs are scarce. The prevailing discourse on multiple citizenship tends to ignore the fact that additional citizens are also consumers who encourage additional production.

Many studies have shown that multiple citizens are denied socio-cultural citizenship. Social isolation and alienation are problematic experiences in the life of many "latecomers" (see, for example, Kalekin-Fishman, 2004) with long-range effects on the emotional adjustment of migrants and on the viability of their identities. Yet, they may be willing to accept their exclusion as "natural" and inevitable, in the hope that their children will reap the benefits of their migration to a new home.

In sum, questions regarding the viability of multiple citizenship arise for the state and for the individual. From the point of view of the citizens themselves, membership in more than one national community is likely to be a source of structural, cultural, and psychological tension. Integration into two national communities may be prevented when what is involved is inclusion in differently oriented social spheres, diversely ordered juridical structures, dissimilar labor markets. As a person who has experienced (at least) two cultures, the multiple citizen is likely to face hardships in adjusting to each national surround. The ambiguities that have to be dealt with are likely to be a source of tension in daily living (Moore, 2004). States, through their representatives, are troubled by varieties of reservations in regard to multiple citizens, all based on viewing multiple citizens

with suspicion. It is often feared that groups of citizens who hold multiple citizenship may act in the polity and in the economy of a given state to serve the interests of the 'other' state to which they are bound. This type of action may contravene the rules of civic loyalty and may approach what is legally held to be treason. They may use their privilege of free movement between the two states in order to avoid fulfilling legislated duties such as military service and payment of taxes. Although these fears are not usually discussed openly, they are given substance in the complications attending the process of naturalization (Hammar, 1990; Joppke, 2005).

Because of these suspicions, states promulgate formal deterrents. As noted, there are various ways to privilege resident and non-resident nationals ("people like us") as preferred sectors of the population. Moreover, because of national interest, immigrants who are "temporary" may be given civil liberties broad enough in scope to discourage them from asking for full citizenship. The most successful barrier to multiple citizenship is twofold: the *positive* recognition of local rights of denizens – residents who are more or less permanent; and the *negative* barrier of complicated and daunting conditions for naturalization. Rather than get involved with reams of papers and problems with the bureaucracy, people often choose to live as single citizens with the minimum rights they can enjoy in the country of their domicile (Joppke, 2005: 230).

Education for citizenship

Depending on how rights are clustered in different states, and for different groups, they imply various types of potential for action. The potential can only be realized by a careful translation into systematic guidance through education. From our survey of the diverse facets of citizenship, it is clear that a satisfactory resolution of the dilemmas presented by multiple citizenship must rely on education. How to compile educational materials, and how to support an on-going revision to accord with the changing face of a state's population is a challenge for government and workers in education alike. We will discuss this in more detail in Part 3 of this chapter.

All the approaches suggested view the evaluation of citizenship in terms of its holistic applicability to all domains of living. Although this perspective is compatible with a democratic orientation, it is also a view that is limited to a traditionalist acceptance of the inevitability of the nation-state as the frame of reference. As we have shown, the processes that have lead and are leading to changes in the conceptualization of the nation-state and of its nature are also leading to a revised understanding of citizenship. In our exploration of the possibility of multiple citizenship, to the ambiguities enfolded in how citizenship and multiple citizenship are experienced and theorized we must add references to the strictures of international law.

MULTIPLE CITIZENSHIP IN THE LIGHT OF INTERNATIONAL LAW

Primacy of state citizenship

Being a national of a state is an element in the process of integration of a person in a certain society. Integration is implicit when citizenship is acquired by birth, unless the individual renounces it. In international law, the fact that an individual continues to possess one nationality need not be seen as an obstacle to the process of integration in another state. Under certain circumstances many favor it. The option to permit or reduce cases of multiple citizenship[4] are regulated by the legal rules of each state and conditioned by historical factors (cf. above: *ius sanguinis* and *ius soli*). Still, international law has been chary of creating common legal standards for multiple citizenship. The assumption is that each state may be in need of a unique solution. Regulations of multiple citizenship, on the other hand, could prescribe a range of legal solutions, going from full acknowledgment of multiple citizenship to its absolute prohibition. The options include:

- Non-recognition of multiple citizenship;
- Non-recognition with exceptions;
- Recognition of multiple citizenship in all cases;
- Recognition of multiple citizenship in individual cases;
- Prohibition of multiple citizenship;
- Prohibition of multiple citizenship with exceptions in individual cases;
- Tolerance of foreign citizenship with no recognition of legal effects.

Although the principle that everyone should have a nationality and not be arbitrarily deprived of his nationality must be considered an *acquis* of international law, there are no customary rules of international law imposing on States the acceptance in their internal law of common criteria pertaining to multiple citizenship. Until now, the variety of legal situations has been regulated by bilateral or multilateral agreements that specify the avoidance or the regulation of multiple citizenship, or a simplification of the relevant procedures of change, acquisition, or loss of citizenship.[5] International law has dealt with the issue only rudimentarily recognizing almost absolute discretion of the States (Dinh, Daillet & Pellet, 1999: 484), but, at the European level a new trend of homogenization of the relevant domestic legislation is oriented towards tolerance of multiple citizenship (Batchelor, 2000: 49).

The first attempt to regulate the issue ended in the Convention on Certain Questions Relating to the Conflicts of Nationality Laws (The Hague 1930) regarding the consequences of multiple nationality. According to the Universal Declaration of Human Rights (1948, art. 15) "Every one has the right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality." Among the most important human rights treaties, the United Nations Convention on the Rights of the Child (1989, art. 7) gives every

child the right to a nationality. Moreover, according to the International Convention on the Elimination of All Forms of Racial Discrimination (1965, art. 5 para. d.iii), party states undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee without distinction, *inter alia*, the right of everyone to a nationality. Still, considering the issue, the International Court of Justice ruled that nationality falls within the exclusive domestic jurisdiction of the state.[6] It is for every state to settle by its own legislation the rules pertaining to the acquisition of its own nationality. A state cannot claim that the rules it has thus laid down are entitled to recognition by another state unless it has acted with the general aim of making the legal bond of nationality accord with the individual's genuine connection with the state, which assumes the defense of its citizens by means of protection against (an)other state(s). Dual, or multiple, citizenship does not entail equally valid citizenships in cases where only one nationality is prerequisite to exercise rights and produce legal effects (as for diplomatic protection). Real and effective nationality is based on strong factual ties between the person concerned and one of the states whose nationality is involved (ICJ Reports, 1955: 22).

Moreover, the general rule of international law as regards diplomatic protection is contained in Article 4 of the 1930 Hague Convention which provides that "A State may not afford diplomatic protection to one of its nationals against a State whose nationality such a person also possesses." However, owing to the developments that have taken place in this area of public international law since 1930, in exceptional individual circumstances such as, for example in certain cases of child abduction, a State Party to the European Convention of Nationality (art. 17) may offer diplomatic or consular assistance or protection in favour of one of its nationals who simultaneously possesses another nationality. Account must also be taken of the fact that one member State of the European Union may give diplomatic or consular assistance to a national of another European Union State where the latter State is not represented in the territory of a third country.

Law-making of the Council of Europe

Most of the conventions on issues of dual or multiple nationality have been compiled by the Council of Europe. Ever since the Hague Convention on questions relating to the conflict of nationality laws was concluded in 1930, the number of international instruments containing provisions on nationality has grown considerably. There was therefore a need to consolidate in a single text the new ideas which have emerged as a result of developments in internal state law and in international law.

The first concrete treaty adopted in the framework of the Council of Europe was the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (1963) amended in substance by the Second Protocol (1993). The convention reflects the attitude of the internal law of the Parties that oppose multiple or dual citizenship, to establish, on the basis of the acceptance of equal standards, an automatic mechanism leading to loss of the

citizenship of one State Party in connection with the acquisition of the citizenship of another State Party in certain cases (Kojanec, 1999: 38).

Chapter I of the 1963 Convention was based on the idea, broadly accepted by many Western European States at that time, that multiple nationality is undesirable and should be avoided as far as possible. Article 1 provides, therefore, that nationals who acquire another nationality of their own free will, shall lose their former nationality and shall, subject to a reservation, not be authorised to retain it. Nevertheless, the 1963 Convention recognises that multiple nationality does occur where a second nationality of a State Party has been acquired automatically or where a State, which is not a Party to Chapter I of the Convention, allows multiple nationality. Therefore Chapter II, which may be accepted by a State Party even if it has not accepted Chapter I, contains rules on military obligations in cases of multiple nationality. This is to ensure that persons with multiple nationality will not be required to carry out their military obligations in more than one of the States that are Party to the Convention.

After the adoption in 1963 of the Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations, the Council of Europe dealt with issues relating to nationality[7] sporadically until the late 1980s.[8] Owing to developments that have taken place in Europe since 1989, the Council decided to reconsider the strict application of the principle of avoiding multiple nationality. They could not overlook labour migrations between European States leading to substantial immigrant populations, the need for the integration of permanent residents, and, more recently, the freedom of movement between European Union member States. Moreover, with the growing number of marriages between spouses of different nationalities, applying the principle of equality means that each spouse should be allowed to acquire the nationality of their partners under the same conditions. Furthermore, both spouses should have the possibility to transmit their nationality to their children. Indeed, the revised protocol allows multiple nationality in the following additional cases: second-generation migrants and spouses of mixed marriages and their children.

Still, the question of allowing persons, who voluntarily acquire another nationality, to retain their previous nationality will depend on the situation in individual States. In some States, especially when a large proportion of persons wish to acquire or have acquired their nationality, it may be considered that the retention of another nationality may hinder full integration. Other States, however, may consider it preferable to facilitate the acquisition of their nationality by allowing persons to retain their nationality of origin and thus to further their integration in the receiving State (e.g. to enable such persons to retain the nationality of other members of the family or to facilitate their return to their country of origin if they so wish). Consequently, States should remain free to take into account the particular circumstances of their populations in determining the extent to which they allow multiple nationality.

The second Protocol to the 1963 Convention was adopted in 1993[9] in order to take into consideration phenomena of permanent immigration and the relevance of citizenship for the process of integration of migrants in the receiving state. In some

cases, States require forfeit of the citizenship previously possessed as a prerequisite for the acquisition of their citizenship by immigrants who are permanent residents. The reluctance of the latter to lose their original citizenship or to cut the links with their country of origin would reduce their chances for integration. In other cases, where states retain the principle of single nationality, their citizens born and resident in another state, where they are considered nationals, could retain citizenship of the country of their parents' origin.

The adoption of the 2nd Protocol indicates that states in Europe are no longer prepared to have recourse to multilateral international instruments in order to regulate dual or multiple citizenship. The absence of international constraints makes room for greater flexibility in relation to their specific approach to the problem, which has to be solved in the framework of the Council of Europe. Thus, when dual citizenship became an appreciable reality, most European countries increasingly subscribed to the idea that this phenomenon does not entail dual loyalty, and as such, does not reduce the loyalty of citizens to their country of residence (Rudko, 2001: 111). The problems which emerged as a result of the changes that have taken place in Central and Eastern Europe since 1989 further underlined the need for a new Convention on nationality. Virtually all of these new democracies had to draft laws on nationality and citizenship. The existence of a comprehensive Council of Europe Convention constitutes an important standard. Salient issues such as the avoidance of statelessness and the rights of persons habitually resident in the territories concerned are therefore addressed by the European Convention on Nationality adopted in 1997 after a lengthy process of negotiation.

The European Convention on Nationality (ECN, 1997)[10]

While the 1963 Convention dealt only with multiple nationality, the 1997 "European Convention on Nationality" deals with all major aspects related to nationality: principles, acquisition, retention, loss, recovery, procedural rights, multiple nationality, nationality in the context of State succession, military obligations and co-operation between the State Parties. This Convention neither modifies the 1963 Convention nor is it incompatible with it; Article 26 of the new Convention explicitly confirms their compatibility.

The most important area, which it has not been possible to include in the Convention, is related to possible conflicts of laws arising from multiple nationality. However, a growing number of States are making use of the notion of "habitual residence"[11] rather than the notion of nationality as a connecting factor in private international law. This eliminates a number of problems, which may arise concerning persons with multiple nationality. It should be emphasised that the notion of "habitual residence", as used in the Convention, applies generally to persons who regularly and effectively live in a particular place.

Article 14 of the 1997 Convention, like Chapter I of the 1963 Convention, allows multiple nationality in two cases which are normally accepted even by States that wish to avoid it. This regulation is based on the requirement that, in the

case of marriage of nationals of different States, the principle of equality of spouses in relation to the transmission of the respective nationality to their children, must be applied. Although the Convention is neutral on the issue of the desirability of multiple nationality,[12] Article 15 specifically indicates that the Convention does not limit the right of State Parties to allow multiple nationality, or to allow other cases of multiple nationality.

Article 16 of the Convention seeks to ensure that a person is not prevented from obtaining or holding a nationality because it is difficult or impossible to divest oneself of another nationality. Multiple nationals have rights and duties in the territory of the State (Party to the Convention) in which they reside. According to the Convention, they shall enjoy equality of treatment as compared to single nationals, for example as regards voting rights, the acquisition of property or the duty to fulfil military obligations.[13] These rights and duties may however be modified by international agreement in certain circumstances (Article 17). The Convention does not affect the application of the rules of private international law of each State Party in cases of multiple nationality (Article 17, paragraph 2.b).

State Succession and Nationality

The issue of state succession is linked to nationality; but the phenomenon also entails questions of human rights (Shaw, 1997: 713). The general rule would be that citizenship would change with sovereignty, although the new state will be responsible for declaring what rules on citizenship are pertinent.

Although these provisions do not apply directly to persons, they are designed to ensure as far as possible that persons living in a given region are not put into an unfavourable position merely because of territorial changes. These principles apply to State Parties whether they are successor or predecessor States. The Convention provides that where a successor State makes the acquisition of its nationality dependent on the loss of a foreign nationality, such loss shall not be required where it is not possible or cannot reasonably be required (ECN, Art. 16). Finally, the Convention favours solutions to matters of nationality that are agreed upon between successor States; it requires States to ensure that such agreements comply with the principles and rules contained or referred to in the principles of the Convention (article 19).

The European Convention on Nationality outlines the specific principles that Party States undertake to abide by in all matters of nationality arising in the context of State succession. The relevance of the concept of the "rule of law" in the field of citizenship law must be seen in light of the constitutional and legal traditions of each State. Nevertheless, some basic criteria form part of the concept (ECN, Explanatory Report, article 18).

- Decisions must be taken on the firm basis of the law;
- The law should be interpreted with a view to protecting the rights and freedoms of citizens (and not only with a view to protecting the interests of the State);

- There must be some proportionality maintained in the measures taken by the State which affect individuals, in particular if these measures are sanctions or if they affect individual rights;
- The law must be foreseeable and individuals must be able to foresee the legal consequences of their acts; consequently, there should not be a legal vacuum;
- The law should be interpreted in the spirit in which it was drafted. [14]

*Loss of Citizenship and Avoidance of Statelessnes**s***

As noted above, the obligation to avoid statelessness has become a principle of customary international law; the 1961 Convention on the Reduction of Statelessness sets out rules for its implementation. In order to protect the right to nationality, the European Convention on Nationality contains many provisions for preventing the possibility of such a status and thus reinforces existing treaties that deal with the avoidance of statelessness (see Article 10, 1961 Convention on the Reduction of Statelessness). As regards the definition of this status, reference is made to Article 1 of the 1954 Convention on the Status of Stateless Persons which provides that "the term 'stateless person' means a person who is not considered as a national by any State under the operation of its law." Thus, only "*de jure* stateless persons" are covered and not "*de facto* stateless persons". Refugees are covered to the extent that they are also considered *de jure* stateless persons.[15]

To caution against an arbitrary deprivation of nationality, the Convention specifies both substantive grounds for deprivation and procedural safeguards. As regards the substantive grounds, the deprivation must in general be foreseeable, proportional and prescribed by law. Thus, the withdrawal of citizenship on political grounds would be considered arbitrary.[16] As regards the procedural safeguards, decisions relating to citizenship shall contain reasons in writing and shall be open to administrative or judicial review. It is axiomatic that historical connections provide a sufficient basis for the retention of a national status, alongside new links that are genuine and effective.

Citizenship and Human Rights

Although the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950- hereinafter ECHR) constitutes the most valuable human rights instrument in Europe, it does not contain the right to citizenship. As it applies to everyone within the jurisdiction of the party States it does, however, have an indirect impact in citizenship matters. There is a firm recognition in this Convention that account should be taken both of the legitimate interests of States and those of individuals. The reference to legitimate interests is meant to indicate that, in the context of the ECHR, only legally protected interests are to be taken into account. Nonetheless, state powers in nationality matters are circumscribed by the obligation to ensure full protection of human rights (Mole, 2001:134). Issues that have been clarified in the case law of the European Court for Human Rights include:

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- The right to respect for family life (article 8);
- The right to a fair trial (article 6);
- The right for citizens to enter and not to be expelled from the territory of the state of which they are citizens (article 3 of Protocol 4);
- The prohibition of torture or inhuman or degrading treatment or punishment in the country to which the foreigner is being expelled (article 3);
- Prohibition of discrimination (article 14).

Although the Court has not ruled specifically on questions of dual citizenship, it has discussed some of the related legal issues.[17] Persons who, for example, have their family life in a particular country, and have lived there for many years, may have the right to remain in the country even if they have not been able to become nationals. This holds on the condition that they demonstrate they are entitled to respect for family life under Article 8 of the ECHR.[18] This right will be particularly important in cases in which, following State succession, a large number of persons have not acquired the nationality of the State where they reside. Concerning the prohibition of inhuman or degrading treatment (Article 3 of the ECHR), actions that lower a national or alien in rank, position, or reputation and are designed to debase or humiliate him/her can be a violation of Article 3.

Citizenship of the European Union

European Union Law stipulates that "citizenship of the Union is hereby established. Every person holding the nationality of a member state shall be a citizen of the union. This citizenship, however, shall complement and not replace national citizenship. Moreover according to the Treaty, Citizens of the Union shall enjoy the rights conferred by this treaty and shall be subject to the duties imposed thereby" (Treaty of Amsterdam, Article, 17, Paragraph 1). This treaty regulates a new kind of citizenship - supra-state citizenship. This, however, is not an autonomous concept; EU citizenship is not defined by European law, but dependent on the status of citizenship as defined by each member state (Kojanec, 2000: 42). Similarly, the state law of each member state defines the terms of acquisition or loss of European Citizenship. In view of the dependence on the nationality of members of the states, the treaty recognizes the vulnerability of the status of the EU citizenship. It is emphatically a category that does not envisage the replacement of national citizenship. This condition was recognized formally by the Treaty of Amsterdam, which would amend the article of the treaty in question with a sentence under which "citizenship of the Union shall complement and not replace national citizenship" (art. 2 para 9, Treaty of Nice). However, the state members of the EU wanted "to define absolutely the personal *substratum* of the legal and political entity created by the treaties, entitling them to public and political participation rights thus allowing them to discuss the concept of citizenship" (Ramos, 2003).

What then are the rights conferred on those who are European citizens? According to article 17.b of the Treaty of Amsterdam, "citizens of the European Union enjoy the rights conferred by the treaty and are subject to the duties imposed by it." In addition to the general rights which are identical to those protected by the constitutions of the member states, and the corpus of rights provided for by the European Convention for the Protection of Human Rights and Fundamental Freedoms, European citizens are entitled to special rights, which represent the first generation of legal effects stemming from this very European citizenship. These rights enhance the process of citizens' integration into the Union, facilitating participation in the life of the Union and in the community in which they reside. They are:

1. *Freedom of movement and settlement* within the territory of the member states;
2. Political rights regarding the *right to vote and stand for election to office in the European Union*;
3. Political rights regarding *diplomatic protection;*
4. *Right to petition* the European Parliament, and the European Ombudsman.

In regard to the interpretation of issues connected to European citizenship, there is a paucity of European Court of Justice case law. However, it seems that the court will be examining a significant number of legal disputes related to issues that deal with the specific rights implied by European citizenship and especially by dual citizenship, whether held in two member states or in one member state and in a state outside the Union. The *Micheleti* case brought for a preliminary ruling before the Court of Justice of the Community raised the issue of nationality in the context of EU law (ECJ, c-369/90, Judgment of 7 July 1992). The applicant was a dual national, holding citizenship in Argentina and in Italy, who claimed the right to settle down in Spain under Community Law. According to Spanish law only his Argentinian nationality would be recognized (because Argentina was his last place of residence) and therefore he would be denied entitlement to that freedom in Spain. The Court did not make reference to the doctrine of the "real and effective nationality" nor did it apply the rules of customary international law. Instead they dealt with the problem arising from multiple nationality only in relation to the Community Law confirming that the operation of the internal law of the member states may not override the enjoyment of the rights granted by the Community Law (see above). In sum, the Court held that "it was not permissible to interpret Art. 52 of the treaty to the effect that where a national of a Member State is also a national of a non-member country, the other Member states may make recognition of the status of the Community national subject to a condition such as the habitual residence of the person concerned in the territory of the first member State. […] The provisions of Community Law on freedom of establishment preclude a Member State from denying a national of another Member State who possesses at the same time the nationality of a non-member country, entitlement to that freedom

on the ground that the law of the host State deems him to be a national of a non-member country."

Cumulative Changes in the Legal Meaning of Citizenship

Despite the many international conventions related to nationality, citizenship constitutes a field of exclusive competence of each state, which remains the sovereign regulator of legal bonds attributed to *its* citizens. However, as we have seen there are constraints which curtail the absolute discretion of the state: First, the recognition by other states and international norms stemming from bilateral or multilateral treaties; Second, the expansion of inter-state relations, which have lead to a need to revise the traditional perception of citizenship. Currently, there is a trend toward homogenizing incompatible characteristics of the legal orders of the separate states (among state-members of the European Union and of the Council of Europe). Moreover, there has been a shift from the perception of the "citizen" as one who fits the traditional national stereotype as a member of the nation-state. If, historically, minorities have accommodated to this pattern, albeit not very comfortably; immigration has effected a real revolution in the triangular relation between state-nation-residents in the light of citizenship.

The shift of the legal modalities on citizenship from membership of a nation-state to membership of a dynamic society is not unproblematic. The first relevant multilateral treaty, such as the European Convention on Nationality, although it constitutes a step forward, still does not offer decisive answers and solutions to the questions that arise. No doubt there is a trend in Europe to align the rights of foreigners and nationals, and generally to assert that individual rights are guaranteed by values that are claimed to be universal. This trend is fostered by the development of "Euro-systems" which constrain states' prerogatives or impose obligations upon them (Autem, 2000: 22). Citizenship is important to "integration" far more than to a legalistic approach on the attribution of "the legal ties with the host state". Very often we forget that immigrants in general want to integrate and states are reluctant to create proper institutions to facilitate this demand (Kymlicka, 1995: 178). Allowing dual, or multiple, citizenship, by birth or by naturalization,[19] would enhance inclusion and reduce phenomena of legal and social exclusion, insofar as citizenship/nationality can be considered as part of individuals' identity.[20] Nationalism still plays a key role in law-making, however, and this has the effect of perpetuating the self-perception of states as legitimated by nations. Bilateral agreements have multiplied in the European context but still they are related only to technicalities and do not solve substantive issues. In the context of the discussion on dual citizenship, statelessness represents the "dark side of the moon," as, despite the pertinent legal regulations, it still occurs. On the other hand, human rights and the rule of law, as they are perceived and implemented today, would constitute components of a political and legal ground for enhancing the elaboration of new legal standards on dual citizenship.

Reconceptualizing Citizenship

The complexities of international intervention in matters of multiple citizenship can be explained by the many ambiguities in the conceptualization of citizenship and in its application in different countries.

In nation-states, ambiguities are created by the tension between the 'nation' conceived in terms of cohesion and the 'state' conceived as a political representation. While the emphasis on a particular nation seems to promise that the basis for the formation of the state is the shared traditions, customs, images, and language of a particular national unit, this conceptualization ignores the independent evolution of the state as an entity *sui generis*. Every 'state' has a political history, a history of relations with the international community and a history of internal alignments and re-alignments that may be independent of the history of the 'nation'. Tensions set up between the two channels of historical development are likely to clash in unforeseeable ways. Thus, despite its aura of being an organization that can be taken for granted as 'natural,' the very conception of a "nation-state" has been found to be equivocal.

It is now clear that when efficacy is assessed comprehensively, political participation – voting, tax-paying, even military service – is only a partial fulfillment of citizenship. Ambiguities are aggravated by the volatility of the labor market. Citizens who have taken part in civic life ensconced in a stable social structure may encounter threats to their citizenship from revisions of the division of labor. These may include the removal of branches of industry to other parts of the world, a restructuring of an industry that makes a large number of workers redundant, and/or a rise in demand for hitherto esoteric types of work. Furthermore, the full measure of participation includes integration into civil society where the requirements are both more persistent and more subtle. Minimally, citizens are required to have a command of the national language and to understand what codes of conduct are required in different domains of living. In civil society, competence in citizenship is tested through on-going diffuse evaluations of a person's command of the means of communication, normative behaviors, and of suitable affective displays. These dimensions of social life are acquired lifelong through the unhurried (and "unhurriable") deep-seated workings of socialization – the unique interaction of personal development with the structures of an environment that is at once welcoming and challenging (Erikson, 1950). In point of fact, varying degrees of acculturation are demanded of citizens. That is to say, the potential for citizenship is limited by implicit and explicit cognitive and behavioral tools.

On the side of the citizens, there are varying levels of readiness for assimilation, for becoming "like" the nationals whose legitimacy is unquestionable (Bauböck, 1998). Tensions between the dynamic of requirements for exercising citizenship and the readiness of the potential citizen to respond to those requirements are often manifest. From the types of ambiguity pointed out here, we can see that cultural distance, in its own right, is both a domain distinct from the political and economic spheres and a robust factor for friction between groups of people.

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In addition to legal, political, and socio-cultural definitions of what it means to be a citizen (see above), every nation-state elaborates a particular regime of incorporation. Bader (1998: 189) points out that except in the morally reprehensible guest-worker and apartheid regimes there are many varieties of procedural systems that can be considered appropriate to liberal-democratic states. Even regimes that can be assessed as appropriate do not ensure facility in adapting to the status, citizen. Demands on potential citizens to adjust to the state may covertly lead to clashes between requirements conveyed in different cultural contexts.

Multiple Citizenship: Possibilities and Probabilities

On the basis of the approaches cited above, the prospect of dual citizenship and its probable viability can be understood. Again, it is important to look at the issues from two points of view – that of the states involved and that of the citizens who hold dual citizenship.

States are concerned with the preservation of sovereignty and on the functionality of boundaries. In practical terms, the ability of states to administer territorial, political and economic borders has a decisive impact on whether or not multiple citizenships will be tolerated. Whether or not persons who hold multiple citizenships can be constrained to follow procedures according to the general requirements that the state has put in place for citizens by birth or for naturalized citizens is a complementary issue. Many means are at the disposal of state apparatuses. The network of rules on the performance of citizenship and those formulated for naturalization impose technical constraints that are likely (and may be devised deliberately so as) to interfere with citizenship in another state. There may be incompatibility even to the point of conflict between the imposition of republican citizenship (based on the political structure) in one state, and national citizenship (based on the cultural community) in another (Bauböck, 1998). In two states, there may also be different interpretations of what constitutes democratic participation. According to the theoreticians cited above, the character of a political democracy is closely related to economic structures, to the level of industrialization, and to the division of labor among different branches of the capitalist class (see Therborn, 1985; Jessop, 1985). Each type of structure imposes a conception of the legitimacy of power that can be deployed in both the public and the private spheres, and here, too, there may be incompatibilities.

Issues of multiple citizenship are also affected by processes that take place beyond the borders of the relevant states. Dual/multiple citizens are among the players on the stage of international diplomacy, and in the turmoil of international relations. Some of the complications originate in the political history of each of the states involved. Clearly, special types of threat are signaled where there is a history of conflict, or diplomatic tension between an immigrant's country of origin and the receiving country, or countries. The theoretical debates as to how globalization is affecting the institutionalization of citizenship and of multiple citizenship rely on assumptions as to whether globalization is an inevitable and uncontrollable driving

force – one which is weakening the nation-state to such an extent that the substance of citizenship is ineluctably changing (Guehenno, 1995; Ohmae, 1991), or whether, even under conditions of advancing globalization, the nation-state is still a force for preserving and controlling   allocations of rights. In the latter case, it is in the interest of the states connected by the multiple citizenships of members of the population to share an interpretation of what constitutive human rights enable a decent way of life no matter what affiliation a citizen may have with either of the two nation-states (Soysal, 1994).

   As we have seen, the European conventions do not attempt to displace the sovereignty of states, or their legal provisions regarding citizenship whether single, dual, or multiple. Yet, all the situations foreseen by those conventions impinge on the daily life of persons for whom attaining an additional citizenship is crucial. In the tangle of national and international processes, multiple citizenship becomes a personal issue for people whose residence in a country other than the country of their birth is of long duration.

   Taking into consideration the complicated circumstances of many of their residents, states have to decide on rules of optional or automatic admission; optional or automatic affiliation. Key conditions for determining citizenship include designations of rights vis-à-vis the political institutions (voting and running for office). In these connections, states have to resolve dilemmas, among them, whether voting for two or more countries can be carried out irrespective of residence; whether taxes must be paid irrespective of residence; whether military service is required even if the person obliged to serve is residing in another country. Juridical status is a further aspect that has to be examined. It is highly possible that the criteria for establishing a citizen's juridical status will be incompatible in the two countries where citizenship is desired. These may be disclosed in the definition of who may appeal to the courts (age, gender, property, and so on), and in regard to the legal provisions for different aspects of law: family, property,   labor relations, political activity. Further incompatibilities may hold in relation to the availability of social benefits, networks of economic and social opportunities, and definitions of civic and community duties.

   For immigrants, citizenship in the country where they reside symbolizes affiliation; it is perceived holistically as a key to privileged stability for adults as well as for their offspring. The interest does not, however, preclude the possibility of conflicts. Depending on particularistic cultural conceptualizations of the life course, there may be differences between countries in the definition of the age of adulthood and different conceptions of what responsibilities (in daily life) are imposed on an adult. Similarly, the interpretation of the relationship between parents and children necessarily affects how the state distinguishes rights and duties of citizenship for each generation.[21] Where citizenship is granted on the basis of cultural affiliation, there may well be differences in how that affiliation is to be demonstrated, i.e., in the behaviors expected of the Diaspora – and toward it – so as to validate belonging. Complex questions of dual citizenship arise among the children of mixed marriages, children born to parents each of whom is a citizen of a different state. The conventional provision that children have a right to the same

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citizenship, or citizenships, as do her parents does not ensure access to privileges. The possible combinations of how each state marks the right to citizenship may catapult offspring of such marriages into a multiplicity of duties and actually into a reduction of rights.

In everyday life the cardinal issue is that of how a given state allows for difference and the extent to which the state manages equality. Bader (1998: 190; see also Bader, 1997) suggests that "standards of rough, qualitative, complex equality require 'differential' policies to equalize economic, social, cultural, and political chances." Where there are differences, as are inevitable in countries that accept immigration, the processes and procedures that can overcome initial "severe structural inequalities" are not at all transparent. As the experience of generations of migrants has shown, it is dubious at best whether differences can be eradicated because the state desires to assimilate newcomers even as they on their part want to assimilate. Beyond the formal issues, persons with dual citizenship are likely to have to face embarrassment or even distress in situations of face-to-face interaction in every domain of living when confronted by a climate of exclusion, stereotyping, and social segregation. Even a political culture of good will toward migrants, evident in the official declarations of countries such as Canada, Israel, and betimes in Australia, is only sporadically reflected in practices, if at all (Bannerji, 2001; Jupp, 2002; Kalekin-Fishman, 2004; Sigel & Hoskins, 1991). Because the 'national' climate is formed in multiple ways, native-born citizens imbibe the prevailing sensitivities, whether or not they are verbalized. Thus, to experience the benefits of citizenship fully, the fact of the matter is that acculturation, tantamount to assimilation, is the challenge that confronts immigrants and minorities. In the context of this discussion, the question that arises is whether the recognition of difference and the concern for equality of different groups can ultimately be accepted as justification for dual citizenship.

Such recognition is rewarded in the quality of life of the person with more than one citizenship, a quality that is disclosed in the formation of what we may call a "dual / multiple" identity. At first sight, it seems almost impossible to allow that adults, whose primary identification has been formed in the country of origin, can develop a second collective identity. As noted above, however, people derive their identity from participation in a collective. Through citizenship - participation in legal-formal structures, in the distribution of power, as well as in the prevalent socio-cultural understandings that locate majority and minority groups in the collective consciousness – individuals' sentiments coalesce in axes of bonding and identification (Rouhana, 1997). Thus, if the attainment of multiple citizenships is a realistic possibility, there is a high probability that adults will indeed be able to develop an appropriate identity. It is important to note, however, that this is exactly the potential that poses a threat to states whose concern is to foster single-minded loyalty. In many cases, a state may give vent to implicit suspicions of the potential for disloyalty of a citizen with multiple allegiances by restricting access to sensitive dimensions of political and socio-cultural life of a person who holds dual citizenship, among them military service and the acquisition of land. Efforts may be made to ensure that new immigrants and permanent residents are socialized "in

the ways of democracy …. to understand and respect laws …. to appreciate norms and rights associated with places of work and residence" (Hoskins, 1991: 14).

Success is signaled by migrants' gradual adjustment to active participation in the political, economic, and socio-cultural domains. There are, moreover, further considerations that govern participation. Even though migrants may find it relatively difficult to undertake activity on a national level, they are likely to have the ability to make contributions on the level of the city or the district of their abode. The cultural basis of the nation-state - common language, religious beliefs, shared history, conceptualization of a shared destiny, imply the capacity of citizens for solidarity with fellow citizens. In the economy, membership is signaled by fitting into the labor market, paying taxes – direct and indirect - as required. In the political sphere, solidarity is expressed in participation as provided for by law and ultimately in warfare (see Schnapper, 1994). All of these issues are dealt with in education for active or participatory citizenship, and it is in the expression of participation that the full problematic of citizenship presents itself.

Education in the Context of Multiple Citizenship

In discussing education for citizenship, and especially education in a context of dual, or multiple, citizenships, it is important to examine possible objectives in light of relevant theories, as well as to look at the organizational frameworks.[22] Above all, substantive goals must enfold the understanding that citizenship education cannot ignore the primary cultural impact of the collective into which those individuals were born. In an educational context, "'Culture' refers to a system of values and to a conceptual system, to a system of behavior and to a communication system which have been socially constructed and are socially transmitted as part of a group's heritage and as a framework and medium of its life" (Figueroa, 1993: 19). Citizenship learning, like all knowledge acquisition, has to be understood as learning that is interpreted and reinterpreted in light of the learners' understanding of how the topics, activities, and principles can be absorbed into their primary cultural heritage. Resolution of the diverse educational issues depends not a little on the available organizational arrangements. We will point out some of aspects of citizenship education in schools, and relate them to the very different types of citizenship that are part of a lifelong process of learning.

Schooling
At school, children are educated to citizenship in the manner of the state that sponsors their schools. State school systems are the main agents of socialization, the locus for balancing out the tensions between enculturation in citizenship (learning the meaning of citizenship in the country of origin) and acculturation (learning the meaning of citizenship in the receiving country), between superficial adjustment and thorough-going assimilation. Problems arise because of the difficulty of deciding *what* to include in education to ensure the maturation of a citizen in a democracy and *how* to convey the understandings and the skills that ensure its achievement. Further difficulties are likely to arise because even if the

state organization solves the *what* and the *how,* basically schools are oriented to imparting the skills and competencies that will be relevant to persons with single citizenship, that is, to persons whose culture (values, concepts, codes of communication) stem from the repertoire available in the state for which the schools were established. Still by the adoption of suitable learning objectives, schools can impart an appreciation of citizenship and skills of citizenship that will enable students to cope with multiple citizenships – their own, or those of peers.

Types of learning objectives

In exploring the links between learning and citizenship three different interrelationships can be identified: (1) Learning about citizenship; (2) Learning through citizenship; and (3) Learning for citizenship (Johnston, 2003: 158).
Learning about citizenship is the traditional task of the formal school subject of civics, and often covers historical and cultural understandings as well as information and discussions about rights and responsibilities. This learning is normally developed in a designated teaching space, is primarily about citizenship as *status*, and focuses mainly on the individual. Conceptualized as preparatory learning it is relatively formal and top-down in its delivery.

    Learning through citizenship is learning citizenship mainly by practicing it. Sometimes this involves incidental learning arising from a range of different contexts; but it is more likely to involve an element of conscious reflection on and discussion of different experiences of citizenship in everyday life. The focus can be on both the individual and the collective and it is developmental in its approach towards citizenship as a *practice*. Here the nature of learning is normally informal, or non-formal, and bottom-up.

    Learning for citizenship is particularly appropriate for adult learning as it holds out the prospect of combining the two approaches above, of linking formal and informal learning, individual and collective citizenship and making dynamic connections between citizenship as *status* and citizenship as *practice*. This learning for citizenship has the potential to incorporate and develop skills for citizenship while locating them within a wider context of historical/political analysis and a more immediate experiential agenda and context. Since this type of learning is both preparatory and developmental in its orientation towards citizenship, it does not make an active distinction between the two approaches but rather seeks out inter-connections to constitute *learning for multicultural citizenship*. In this connection, it is important to explore three different but overlapping dimensions: learning for inclusive citizenship; learning for pluralistic citizenship; and learning for active citizenship (cf. Johnston, 2003: 159-165).

    Learning for inclusive citizenship. People's social inclusion or exclusion will shape and/or limit their citizenship. Issues involved in learning for inclusive citizenship are therefore social learning and socio-cultural capital. A key aim is the amassing of human capital, developing the resources for ensuring inclusion in the educational system and in the employment market.

Learning for pluralistic citizenship needs to build on and extend beyond inclusive citizenship to take account of growing cultural diversity and pluralism. Key issues are connecting difference and equality, while building multiple cultural identities through learning.

Learning for active citizenship focuses on the implementation of citizenship learning as part of lifelong activity in which citizens construct the crucial links between learning and action. People can be active citizens in formal and informal processes, at local, national and international levels, in the workplace, in the community, and at home. After all, contexts where citizenship can be learned occur not only in schools but also in various areas of social life: civil society, work, and what is usually designated as the private sphere. Consequently, active citizenship cannot be encapsulated in a set of competencies to be learned "once and for all." It changes hue as historical circumstances change, among them, changes in the relations between the country of residence and the countries of origin of diverse groups of residents.

Substantive Issues

The curriculum of citizenship education includes knowledge of how the state is organized and how its various functions are carried out and impact on the lives of the people in the territory. The formal structures of administrator-teacher-student relationships provide models of citizen action. Informal school projects educate by involving students in activities that are most effective in instructing citizens in the acquisition of values that enable styles of governance that are accepted in the given state. It is understood that graduates of state schools should have acquired self-awareness as a national of the state (by contrast with self-awareness as a member of a religious sect, for example) as a core identity construct. This type of identity readies her for taking a stand vis-à-vis nationals of other states just as it prepares the student for participation in state affairs to the degree that the regime allows or requires it. In addition, it grooms her for parenthood, for the transmission of the principles of the nation-state from generation to generation. This type of training inserts an awareness of the distinction between the citizen and the non-citizen, the native-born and the immigrant, the dominant (hegemonic) tradition and peripheral irrelevancies (Sigel & Hoskins, 1991).

With the spread of dual and multiple citizenships in the populations of all the European states, education has to undergo some significant changes. Schools have to be prepared to convey principles of active citizenship both to the students who hold a single citizenship and to those who, for whatever reasons, hold more than a single citizenship. Such education requires a graduated acquisition of appreciation for diversity together with a rational grasp of the meaning of citizenship as commitment to membership in a community. Basically citizenship education has to be built on openness to diversity as a central value and a unifying theme. Relevant content will broaden the world view of children with a single citizenship and strengthen the self-awareness and self-confidence of those with dual, or multiple, citizenship. In this connection, citizenship education must, for one thing, convey

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the perception that even those who hold the passport of a single state actually hold multiple citizenships. Apart from the legally defined citizenship of the state, citizens belong to neighborhoods, municipal localities, and regional administrative units. Since citizenship involves responsibilities toward fellow citizens, each 'level' of citizenship makes different kinds of demands. So the meaning of being a citizen shifts according to the framework of the relationship, and every national is called upon to be a multiple citizen.

Moreover, meeting the populations of these various geographical divisions involves gaining familiarity with people of diverse origins and with diverse orientations to the community. Citizenship education therefore provides an opportunity to help students develop a respect for difference. Understanding that differences in birth origin, appearance, and capacities – physical or mental, are not determinants of the rights of a fellow being is a basic lesson to be acquired. Aligning this domain with moral education, the approach to citizenship education we are advocating requires planning for the type of knowledge that is pertinent, the range of interpretations possible, opportunities for applying what is learned, and for acting on it.

Issues relevant to dealing with a multicultural student population, are a pointed challenge to educational systems that are burdened with an ideology that defines the homogeneous nation-state as an uncompromising ideal. By contrast with the traditional conceptualization of education as a central means for ensuring national unity within the nation-state, emphasis is increasingly put on the management of diversity (Gellner, 1983; Schlesinger, 1991; 1993; Meyer, 1992). As a consequence, in the current international discussion, there is widespread recognition of the need for citizenship education to be reformulated in ways that are enriched by difference (Crowther & Martin, 2003).

In terms of citizenship learning, this new situation gives rise to conceptualizations of *learning multicultural citizenship*, namely, learning how to exercise citizenship in multiple social contexts where people of different cultural backgrounds are encountered. Addressing this issue requires that the diversity of citizenship, and the wide range of contexts of practice be acknowledged. Substantively, tolerance for difference ranges from 'assimilation' – the goal of full absorption of different cultural groups into the dominant culture; to 'integration' – absorption together with additive references to the cultures of immigrant and minority groups; to 'multiculturalism' – a policy that takes into account the points of view characteristic of different groups in most units of study. Moreover, education for active citizenship should ensure that pupils will be capable of taking steps to rectify inequity and inequality. Educators therefore have to shape pedagogies and curriculum content in ways that can be acceptable to the variety of codes to which pupils have been socialized. Moreover, in the dynamic changes confronted by nation-states, education for citizenship must not only take account of diverse points of view, or diverse narratives; but must also involve students in political projects to prevent the possibility that the differential needs of immigrant and minority groups will be ignored (Banks, 1981; Banks & Banks, 1995).

Involving students in projects provides opportunities for educators to learn how students experience their nationality or nationalities. From these experiences, it is possible to structure citizenship responsibilities so that those who hold, or will hold, multiple citizenships can acquire an appreciation of citizenship as a commitment to fellow members of the community in the country of residence. Without surrendering emotional ties with other states, with other communities, students can be guided to value their experiences in the country of residence and to understand the meaning of participation in its affairs. This is the core of active citizenship which is truly insightful.

As Johnston (2003) argues, the more understanding citizens are likely to be, the more they will be civically engaged, the more willing to make sacrifices for the public good, and the better prepared to respect and defend the rights of others. To this end, citizenship education in schools is essential but plays only a partial role in this process. Learning citizenship is a lifelong and changing process which cannot be successfully completed in childhood or early adulthood (Holford, 2002; Veen & Holford, 2003).

Beyond the School System

Learning for *active citizenship* focuses on the implementation of citizenship learning as part of lifelong activity in which citizens construct the crucial links between learning and action. Formal and informal educational frameworks should be structured so as to empower people to be active and committed to plural citizenship. With respect to adults who hold more than one citizenship, citizenship education should be a course of action that enables them to find ways to be part of the host society and influence its processes in multiple ways (see Delanty, 1996). Ultimately, active citizenship is implemented first and foremost in political participation; therefore basic citizenship learning is needed to ensure active participation in political institutions (see Holford, 2002; Veen & Holford, 2003). A capacity for active citizenship underlies civic, societal and economic participation, so learning has to be designed to encourage responsible social and economic behavior. Since knowledge of citizenship is acquired in the context where it is practiced, the wide-ranging citizenship(s) people learn have to be enabled by well-ordered inclusion. An issue of central concern is what kind of educational activities are needed in order to encourage active citizenship among adults so as to ensure, insofar as possible, that people with multiple citizenship will be able to overcome barriers to social inclusion and play an active role in whatever country of residence they choose.

CONCLUDING COMMENTS

In this chapter, we examined approaches to the theorization of citizenship and their connections with the burgeoning phenomenon of multiple citizenships; then we described approaches to state sovereignty and civil rights that are framed in the international covenants developing in Europe. The liberalizing trend signaled both

by theories on citizenship and by overarching legal agreements can be realized, however, only if education in European states adapts to new understandings of citizenship as a mode of involvement in every domain of living. From our survey of definitions, theoretical approaches, and learning theories, we have concluded that citizenship education, and especially citizenship education for people with multiple citizenships, requires a holistic methodology that will promote active participation and appreciation of diversity as a resource. As one means of meeting the challenges presented by the apparently inevitable spread of new forms of citizenship, school curricula must be guided by programs for imparting formal knowledge, an appreciation of cultural capital, a steady accumulation of skills, and values that are applicable to active multicultural citizenship. To ensure the realization of adequate civic involvement, adult citizens must be engaged in lifelong learning that makes it possible for them to identify with all the sites of civic action with which they have contact.

The study of how multiple citizenships are structured in Europe is carried out in the chapters that follow, each of which deals with the legal and educational situation in a single country. We are, however, keenly aware that research is needed to deepen an understanding of the mechanisms involved. Some central puzzles that require the support of psychological research are explorations of the psychological mechanisms that underlie population movements. In addition, it is important to understand the limits of affiliation and of 'allegiance', the psychological bounds of 'social solidarity', as well as the connections between aptitudes in social relationships and citizenship.

NOTES

[1] In recent years, natural catastrophes have turned millions of people into "internally displaced persons," a category that receives little international attention (Yin, 2005).

[2] Bubeck demonstrates that such a feminist- revisionist approach to the public elements of citizenship could help solve the crisis of the welfare state and problems of youth unemployment as well as the vicious division of labor that saddles women with the larger part of unpaid work.

[3] According to Max Weber (1947), Ideal Types are the model for doing social science. The social scientist begins by defining the phenomenon to be examined. She then abstracts the key traits and their relationships to formulate an Ideal Type. Each concrete example confronted by nodes of the Ideal Type will deviate in different degrees from each node. Deviations will always be discovered in the confrontation between an Ideal Type and reality. These generate the research findings.

[4] As noted above, "citizenship" and "nationality" are terms of equal legal value. On terminology, see M. Žagar (2000: 102-103).

[5] In the cases regarding the states of the former USSR, see Rudko (2001: 109).

[6] The concept of nationality was explored by the International Court of Justice in the *Nottebohm Case*. The Court defined nationality as "a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties", *Nottebohm Case*, ICJ Reports 1955, pp. 20 and 23. According to the European Convention on Nationality, "nationality means the legal bond between a person and a State and does not indicate the person's ethnic origin" (art. 2).

[7] Most countries of Central and Eastern Europe use the term "citizenship" which has the same meaning as the term "nationality" used in the Convention and by most Western European States.

[8] In the 1970s and 1980s the Committee of Ministers as well as the Parliamentary Assembly had dealt with citizenship issues, see Resolutions (77)12 and 13, and Recommendation 1081 (1988) on problems of nationality in mixed marriages.

[9] In force today only for France, Italy and the Netherlands.

[10] For the history of the elaboration of the ECN, see ECN, Explanatory report, "a. historical background".

[11] See also Resolution (72) 1 on the standardisation of the legal concepts of "Domicile" and "Residence" adopted by the Council of Ministers.

[12] Explanatory report, para. 97.

[13] These provisions are, of course, applicable to *European* states who are party to the Convention and do not necessarily hold for states on other continents.

[14] Further guidance concerning the "rule of law" can be found in the various legal instruments of the Council of Europe adopted in the field of efficiency and fairness of civil justice and the case-law of the European Court of Human Rights. All the principles mentioned in paragraph 1 have significance in general, although the primary concern is the avoidance of statelessness.

[15] Moreover, Article 20 of the American Convention of Human Rights imposes the obligation on contracting states to grant their nationality to any stateless person born within its territory. See Inter-American Court of Human Rights, Advisory Opinion of 19.1.1984, *Amendments to The Naturalisation Provisions of the Constitution of Costa-Rica*.

[16] According to article 7 par. 3, the only exception concerns the acquisition of nationality by the improper conduct of the applicant.

[17] The following judgments of the European Court of Human Rights are most relevant: Abdulazis, Cabales and Balkandali, 28 May 1985, Vol. 94; Berrehab, 21 June 1988, Vol. 138; Moustaquim, 18 February 1991, Vol 193; Cruz Varas, 20 March 1991, Vol. 201; Beldjoudi, 26 March 1992, Vol. 234-A; Nasri, 13 July 1995, Vol. 324; Gül, 19 February 1996; Boughanemi, 24 April 1996. See also the opinion of the European Commission of Human Rights in the case of East African Asians, 14 December 1973, published in (1994) HRLJ, Vol. 15, p. 215.

[18] An interference with the exercise of this right is only allowed under paragraph 2 of Article 8 by a public authority for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others, and only if such interference is necessary in a democratic society (see the above-mentioned case of Boughanemi).

[19] On the criteria/conditions for facilitating and impeded naturalization see Medved (2001: 37).

[20] "Pluralist democracy seems to be the system best able to protect expression of personal identity within a diversified and homogeneous community which is close-knit because it has confidence in itself and which shows respect for each individual in its pursuit of the general interest" (Cassuto 2001: 63).

[21] See, for example, how the parent-child relationship is construed contrastively in France and in Israel (Chapters 4 and 9).

[22] As a process, education has to consider a variety of theoretical problems, among them, the routes that are most convenient for learning, and the background that influences how learners are likely to follow those routes (Kalekin-Fishman, 1996a, 1996b). Interpreted as a means of socialization, education is the deliberate imparting of the knowledge and the skills necessary for getting along in face to face interaction as well as in more complex organizational configurations. Primarily, didactic means and pedagogical emphases that are the underpinning of education rely on psychological theories of learning that relate to the capacities of learners to acquire knowledge and skills at different stages of the life-cycle. They guide educators in different ways. All, however, assume that as people mature, they grow in the ability to integrate knowledge and to derive principles for action from contact with others. Expanding on Freud's theory of human development, Erikson (1950), for example, shows that psychological growth is enabled by contact with representative social figures that set challenges calibrated to fit different stages of development.

Similarly, theories that describe growth in cognitive terms (Piaget, 1977) are mindful of how guidance by teachers facilitates ascent to more sophisticated modes of abstraction.

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