

# **Extending Politics Enfranchising Non-Resident European Citizens**

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\* **Abstract**

Since the development of citizenship is intimately related both historically and conceptually with the evolution of the state, examining citizenship policies provides a useful means of evaluating arguments about transformations of state sovereignty, such as those which occur in the debate between supranationalists and intergovernmentalists. At the same time, current empirical developments pose problems for existing theories of citizenship, which tend to assume fixed political communities whose members both reside within certain geographic boundaries and possess ties of citizenship to only one sovereign authority. The recent return of citizenship as a category of analysis often seems to overlook the fact that political and social realities have stretched past the framework of fixed territoriality within which traditional notions of citizenship are embedded. This paper describes the evolving idioms of political community and nationality in various European states through examining changes in the ways states treat non-resident citizens. In parallel with the establishment of a European Union citizenship, national citizenship regimes in the member states have been undergoing transformation. Non-resident citizens of the various European states are gaining rights of political participation in their country of citizenship (due to changes in national policies) while at the same time gaining such rights in their country of residence (due to new Union policies). A degree of harmonisation is occurring in the absence both of a supranational European polity and of treaty-like agreements between governments. This suggests that ideas of stateness, political community, and the scope of the political can transcend national boundaries even in policy areas where states retain full sovereignty. The introduction of two levels of citizenship—in which citizens of member states are simultaneously European Union citizens—paired with the growing political rights of non-resident citizens indicate that both the meaning and practice of citizenship in Europe are undergoing fundamental transformation.

**I Introduction<sup>1</sup>**

Citizenship belongs to the hard core of state sovereignty. Indeed, modern citizenship would have no meaning without the existence of states; conversely, states would not be states without citizens.<sup>2</sup> Conceived of as a political and legal institution, citizenship signifies the continuing transactions between persons and agents of a given state in which each has enforceable rights and obligations uniquely by virtue of the person's membership in an exclusive category, the native-born plus the naturalised, and the agent's relation to the state. Regarded in this way, citizenship can range from thick to thin, defined as the degree to which the individual is affected by the state. Thick citizenship entails, for the citizen, many rights in and obligations to the state, while thin citizenship denotes a relative lack of such rights and obligations.<sup>3</sup> The creation of a European Union citizenship and the explicit mobility rights granted Europeans by the Maastricht treaty curtail the ability of member states to unilaterally control 'their' citizens. On the other hand, as the limited nature of European citizenship elucidates, the European Union is still far from the kind of multinational pan-European *state* envisioned by some.

That the discourse of citizenship differs from state to state and society to society is a well-documented phenomenon. Indeed, the content and meaning of citizenship has long had different expression in the various European states.<sup>4</sup> Undertheorised, however, are the effects of European

<sup>1</sup> This paper has benefited from discussion by the Research and Writing seminar for second-year PhD students in Political Science at Yale University, led by Ian Shapiro and Geoffrey Garrett. I have also learned much recently from David Cameron, Herman van Gunsteren, Juan Linz and Pauline Jones Luong. All the (many) shortcomings, of course, remain mine.

<sup>2</sup> Connie L. McNeely, *Constructing the Nation-State: International Organization and Prescriptive Action* (Westport CT and London: Greenwood Press, 1995), p. 10.

<sup>3</sup> This definition of citizenship is drawn from Charles Tilly, "Citizenship, Identity and Social History," chapter 1 in Charles Tilly, ed., *Citizenship, Identity and Social History, International Review of Social History* vol. 40, supplement 3 (1995) pp. 1-17 (Amsterdam: Internationaal Instituut voor Sociale Geschiedenis, 1996), p. 8.

<sup>4</sup> See Elizabeth Meehan, *Citizenship and the European Community* (London: Sage, 1993), especially chapter 1.

integration on the various national discourses of citizenship within Europe. In parallel with the establishment of a European Union citizenship, national citizenship regimes in the member states have been undergoing transformation. As the notion of a European citizenship with its attendant rights, duties, loyalties and allegiances takes hold, national citizenship regimes are being reassessed. The rights and duties of national citizenship are increasingly coming to be compared and contrasted between the member states, and the most obvious and radical differences slowly eased out. Thus, we can speak of a certain amount of harmonisation between the various national citizenship policies. This is particularly evident in the ways in which states treat ‘their’ citizens resident abroad.

This paper examines the relationship between citizenship regimes and conceptions of the state in Europe, focusing on the enfranchisement of non-resident citizens. Referring to the theoretical literature on the relationship between state-building and nation-building, I argue that viewing recent developments through the lens of citizenship clarifies the nature of the transformations in stateness now occurring in Europe. I develop a preliminary approach to the subject, mapping out areas for more detailed inquiry. The paper is divided into three parts. The first commences with a survey of how ‘the state’ has evolved and how it may be subject to decline. There is an evolving consensus that states are political, legal and social constructions, which are largely defined and determined by various idioms of nationhood. These idioms reflect and are reflected by the shifting configurations of meaning attributed to citizenship. But how do citizenship policies respond to changes in stateness and the sense of political community? In the second part of the paper, I survey how European citizenship regimes deal with non-resident citizens, showing that out of the wide panoply of past policies a new kind of harmonisation is taking place, one which expands the political rights of non-resident citizens in their country of citizenship while simultaneously grounding new rights based on their residency status in the states in which they live. Historically, civil and even some social rights have been granted non-citizens, but political rights were understood to be the exclusive purview of the political community.<sup>5</sup> At the same time that European Union citizens have gained important political rights in their country of residence—citizens of any EU member state can now vote or run for local office wherever they live in the Union—non-resident citizens of many European states have witnessed gains in their political rights. I survey the scene, focusing on the enfranchisement of Europeans who do not reside in their state of citizenship. Subsequently, in the third and final section of the paper, I examine the interaction between states and citizenship in Europe, viewing citizenship as a political institution. I argue that nations and states are linked through ideas of citizenship, and focus on political participation as central to democratic citizenship. In this light, I emphasise that phenomena such as dual or plural citizenship and the rise of non-permanent migration between states is problematic for citizenship regimes which assume fixed members of the polity.

## II Citizenship in the evolution and decline of the state

Much recent scholarship in political science, history, law, and related disciplines has stressed that the state in its modern form is the product of a long evolution. Some trace the origins of the modern state to 18th century Europe, but its history can in fact be traced back at least as far as Hugo Grotius (the ‘father of international law’) and the thinking leading up to the Peace of Westphalia of 1648. Similar forms of political organisation—or at least comparable ones—existed in ancient Greece, Rome, and elsewhere. Within the historical evolution of the state, it is clear that there is much variation; there are many possible models of ‘stateness’, a large number of which have had actual manifestation over the course of history.<sup>6</sup> It is thus not surprising to assert, as I

<sup>5</sup> See Yasemin Nuhoğlu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago and London: University of Chicago Press, 1994), documenting how non-citizens have recently gained important social rights.

<sup>6</sup> See David J. Elkins, *Beyond Sovereignty: Territory and Political Economy in the Twenty-First Century* (Toronto: University of Toronto Press, 1995), which refers to the rise of the territorial nation-state and considers some alternative non-territorial forms of political organisation.

do, that ‘the state’ is a constructed concept.<sup>7</sup> Rather than comprising a single form, ‘stateness’ consists of plural and mutable notions of political organisation and order. Ideas about what ‘states’ look like and how they should (normative) or do (empirical) act or behave evolve over time and vary from society to society. Despite this, however, we can speak today of a general consensus about the ideal form of the state, although different authors may disagree on the precise details of what exactly ‘stateness’ entails.

Central to the definition of the state is citizenship, as Weber’s discussion of features of the state in modern societies illustrates. According to Weber, the modern state possesses an administrative and legal order subject to change by legislation. The state bureaucracy, which is similarly regulated by legislation, is oriented toward maintaining and enforcing this administrative and legal order.<sup>8</sup> Furthermore, this system of order “claims binding authority, not only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent, over all action taking place in the area of its jurisdiction. It is thus a compulsory association with a territorial basis.” In the process of enforcing and maintaining order, administrators and officers acting in the name of the state are backed by the threat of force, a condition which Weber sees as just as important as the compulsory nature of the state’s authority: “The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous organization.”<sup>9</sup> The state’s claim to binding authority both over the members of the state—the citizens—and over actions taking place in the area of its jurisdiction leads some to question the very existence of ‘states’ in many developing countries. Thus, following Weber, Lisa Anderson<sup>10</sup> and others argue that the existence of a state in any political unit is an empirical question, while Robert Jackson and Carl Rosberg argue, contra Weber, that “one cannot explain the persistence of some ‘states’ by using a concept of the state that does not give sufficient attention to the juridical properties of statehood.”<sup>11</sup>

The inverse reaction occurs in Europe, where the juridical and the empirical are strongly intertwined and where a shift from intergovernmental co-operation to actual supranational decision-making has long been discussed. In this vein, Rogers Brubaker sketches how ‘1992’—the Maastricht Treaty—came to stand for such political developments as the abolition of national frontiers within Europe, the free movement of persons and the creation of a transnational European citizenship. The organisation of political space along national lines seemed increasingly ill matched to emerging realities, and an embryonic post-national Europe was seen as heralding the future.<sup>12</sup> The drive toward institutionalised supranationality symbolised by ‘1992’ was soon

<sup>7</sup> See McNeely, *Constructing the Nation-State*, p. 3. McNeely notes that, although the roots of the modern state were visible by 1300, “it was not until just before the Treaty of Westphalia in 1648 that the future dominance of the nation-state form was assured. More, the Treaty of Westphalia is typically cast as marking the historical shift to a new international order,” one in which nation-states are the dominant form of political authority and organisation. McNeely refers also to P.T. Manicas, “The Legitimation of the Modern State: A Historical and Structural Account,” in R. Cohen and J.D. Toland, eds., *State Formation and Political Legitimacy* (New Brunswick NJ: Transaction, 1988), p. 173; Stephen D. Krasner, “Westphalia and All That,” in J. Goldstein and R.O. Keohane, eds., *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca NY: Cornell University Press, 1993).

<sup>8</sup> Alfred Stepan, *The State and Society: Peru in Comparative Perspective* (Princeton: Princeton University Press, 1978).

<sup>9</sup> Max Weber, “The Fundamental Concepts of Sociology” in *The Theory of Social and Economic Organizations*, ed. Talcott Parsons (New York: The Free Press, 1964), p.156. Cited in Stepan, pp. xi-xii.

<sup>10</sup> Lisa Anderson, “The State in the Middle East and North Africa,” *Comparative Politics* 20, 1 (October 1987). Compare Lisa Anderson, *The State and Social Transformation in Tunisia and Libya, 1830-1980* (Princeton: Princeton University Press, 1986).

<sup>11</sup> Robert H. Jackson and Carl G. Rosberg, “Why Africa’s Weak States Persist: The Empirical and the Juridical in Statehood,” *World Politics* 35, 1 (October 1982), p. 4. Indeed, Jackson and Rosberg conclude that juridical statehood is more important than empirical statehood to account for the persistence of states in most of Africa. In Europe, by contrast, empirical statehood tended to precede juridical statehood, which helps explain the greater reliance on the notion of empirical statehood in evaluations of state formation.

<sup>12</sup> Rogers Brubaker, *Nationalism Reframed: Nationhood and the national question in the New Europe* (Cambridge: Cambridge University Press, 1996), pp. 1-2. See also David Beecham, “The Future of the Nation-State,” in Gregor McLenna et al., eds., *The Idea of the Modern State* (Milton Keynes, UK and Philadelphia PA: Open University Press, 1984)

replaced, however, by the spectacular reconfiguration of political space along national lines in Central and Eastern Europe and Eurasia, which suggests that, “far from moving *beyond* the nation-state, history... was moving *back to* the nation-state.” To examine the reconfiguration of political space, Brubaker suggests viewing ‘nations’ not as tangible, enduring collectivities, but rather as manifestations of an ‘institutionalised form, practical category, contingent event’.<sup>13</sup>

It is useful to view not only nations, but also citizenship and sovereign states themselves as institutionalised forms and practical and—to some extent—contingent categories and forms. Indeed, Giddens is correct to assert that sovereignty, citizenship and nationalism tend to be connected phenomena.<sup>14</sup> As McNeely notes, the very “idea of the modern nation-state includes an expectation of states to incorporate their people as individual citizens, to educate and mobilize them around economic and social developmental goals, and to promote welfare through public programs and the expansion of citizenship rights”.<sup>15</sup> To find the origins of the theoretical and practical inspiration for the state’s binding authority over the activities of its members and indeed all transactions taking place within areas of its jurisdiction, it is necessary to examine the rise of citizenship. Exemplary here is Brubaker’s argument that modern “national citizenship was an invention of the French Revolution”.<sup>16</sup> The Revolution, he argues, invented both the nation-state and the institution and ideology of national citizenship. Not only the social, but also the legal and political structures of *ancien régime* French society were fundamentally inegalitarian. Rights were dependent on a person’s social category, and the idea of ‘citizenship’ remained inchoate. To show how the Revolution invented citizenship, Brubaker considers four perspectives, viewing the Revolution as a bourgeois, democratic, national and bureaucratic revolution respectively.

The key point of the *bourgeois* perspective is that the revolution established equality before the law and the consolidation of the legal right to private property, substituting *common* law for privilege. “In this way, the Revolution realised Sieyès’ conception of citizenship as unmediated, undifferentiated, individual membership of the state”. Viewing the Revolution as a *democratic* revolution is to focus on political rights rather than civil equality. This gives rise to two models of citizenship. In one model, ‘citizenship’ refers to a *general* membership status, where the permanent residents of a state share rights and obligations. Citizenship in this general membership model is formal and abstract. Viewing citizenship as a *special* membership status, by contrast, restricts it to a privileged subgroup of the population. Citizenship in this view is defined by the possession and exercise of substantial political rights, by actual participation in government, not by formal common rights and obligations. The Revolution combined these two concepts.<sup>17</sup> Seeing the Revolution as a *national* revolution suggests a dual transformation: the creation of a single nation composed of legally equal individuals first, and the substitution of a militant, mobilised nationalism for the cosmopolitanism of the old regime second. In other words, the development of international came at the expense of intranational boundaries. As membership of subnational forms of political organisation waned in importance, membership in the nation-state gained in importance. Brubaker asks why the Revolution, which started out quite cosmopolitan, suddenly became xenophobic and repressive. The answer, he suggests, “has to do with the logic of the nation-state”.<sup>18</sup> This perspective fits with Anthony Giddens’s assertion that the “nation-state and the mass army appear together, the twin tokens of citizenship within territorially bordered political communities.”<sup>19</sup> Finally, the French Revolution was also a state-

<sup>13</sup> Brubaker, *Nationalism Reframed*, pp. 3-4.

<sup>14</sup> Giddens, “Class, Sovereignty and Citizenship,” chapter 8 in Anthony Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985).

<sup>15</sup> McNeely, *Constructing the Nation-State*, p. 11.

<sup>16</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, especially Chapter 2 on the French Revolution and the Invention of National Citizenship and chapter 7, “Être Français, Cela se Mérite”: Immigration and the Politics of Citizenship in France in the 1980s.

<sup>17</sup> Brubaker, *Citizenship and Nationhood in France and Germany*, p. 43.

<sup>18</sup> *Ibid.*, p.46

<sup>19</sup> Giddens, *The Nation-State and Violence*, p. 233.

building *bureaucratic* exercise, since it “swept away obstacles to effective state action”. The crucial point about citizenship, from this perspective, is that an immediate and direct form of state-membership replaced the mediated and indirect forms of membership of the *ancien régime*. This strengthening of the state depended on the legal rationalisation and codification of membership rules. The legal rationalisation and codification of membership rules, of course, is what citizenship is all about. Strengthening the state thus depended on causing a certain theory and practice of citizenship to be politically accepted and bureaucratically institutionalised. But how precisely are ‘idioms of nationhood’ created and sustained or modified to form institutions of citizenship?

One possible answer is suggested by Charles Tilly, who argues that the emerging view of the origin of ‘public identities’ is “not only relational but *cultural* in insisting that social identities rest on shared understandings and their representations. It is *historical* in calling attention to the path-dependent accretion of memories, understandings and means of action within particular identities. The emerging view, finally, is *contingent* in that it regards each assertion of identity as a strategic interaction liable to failure or misfiring rather than as a straightforward expression of an actor’s attributes. Thus scholars have come to think of citizenship as a set of mutual, contested claims between agents of states and members of socially constructed categories: genders, races, nationalities and others.”<sup>20</sup> Viewing citizenship as mutual, contested claims arising from social identities portrays states as political, legal and social constructions, which are largely defined and determined by various idioms of nationhood. These idioms reflect and are reflected by the shifting configurations of meaning attributed to citizenship. But the exact relationship between sovereignty, citizenship and senses of political community is unclear, and varies from state to state and society to society.

### III Surveying the landscape: Non-resident European citizens

If there is an ideal state, then there is also an ideal form of citizenship. Since there is much variation in the actual development and evolution of states, however, it immediately becomes clear, even at the theoretical level, that there must also be major variation in the evolution of citizenship regimes. This theoretical observation holds empirically. Studies tracing the evolution of citizenship in the various states have begun to be undertaken, although much more needs to be done.<sup>21</sup> Within this overall project, a neglected aspect of citizenship concerns the question of how states deal with residency and how they define ‘belonging’ to the political community. The ways in which various European states relate to communities of citizens resident abroad differ markedly between states. The citizenship policies of many European countries are moving towards defining residency as the criterion by which rights are assigned. In other cases, however, a sense of boundary-transcending or non-territorial citizenship pervades debate. Residency is clearly important, however, and many states turn to residency and the shared history which it apparently entails rather than *jus sanguinis* in order to justify inclusion in and exclusion from the political community. This means that non-citizens resident within the state gain important rights of political participation<sup>22</sup>, but it also means that non-resident citizens are susceptible to losing those same rights. With that broad generalisation out of the way, however, the precise manner in which European citizenship regimes are evolving is still far from clear. Residency may ultimately simply supplement, not replace, pre-existing membership in a political community. Thus, van Gunsteren argues that an extended period of living on the same territory is sufficient for what he terms a ‘community of fate’ to emerge. The normative implication he draws is that all members of a community of fate possess a moral claim to citizenship in the state. Since they clearly belong to

<sup>20</sup> Charles Tilly, “Citizenship, Identity and Social History,” chapter 1 in Charles Tilly, ed., *Citizenship, Identity and Social History*, op. cit. (note 3), pp. 5-6.

<sup>21</sup> See e.g. Brubaker, *Citizenship and Nationhood in France and Germany*, op. cit.

<sup>22</sup> See Yasemin Soysal, *Limits of Citizenship*.

the same community of fate, long-term residents should possess citizenship of the state in which they reside.<sup>23</sup>

But what about citizens who reside outside their country of citizenship? Is there a corresponding requirement that those who do not live in the state, or who spend a considerable amount of time away from it, renounce citizenship? How should a political community relate to its members who are geographically distant from the 'centre'? Should those who are not physically present in the state have a right to participate in politics at all? Such questions are implicit in the ways in which various European states relate to communities of non-resident and expatriate citizens. In what follows, I shall briefly sketch the situation of non-resident and expatriate citizens of a number of European states. A persistent difficulty in this enterprise lies in the fact that the statistics are often unreliable. Registration of citizens with consulates abroad is often voluntary and some countries, such as the Netherlands, have abolished it altogether. Thus, for example, while the number of Hungarians in France is estimated at 25,000 or so, less than 2000 have actually registered, despite a Hungarian law *requiring* citizens to register with their consulate if their stay abroad exceeds three months.<sup>24</sup>

Citizenship regimes form a key political institution within a state, and they impact and are in turn influenced by political culture. As an institution, citizenship helps shape the rules and interactions that structure the distribution of power and resources within states. Indeed, citizenship is political institution that determines the very shape and form of the state. Who is a member of the political community and who is not? In terms of political culture—the attitudes and beliefs, norms and values that help determine political behaviour—citizenship regimes go to the core of public political identity. What does it mean to be a citizen of such and such a state? What rights and duties does citizenship entail? What is the relationship between thin citizenship and thick citizenship, and how is this manifested in the various citizenship regimes in European states? Furthermore, how does the distinction between thick and thin forms of citizenship relate to the idea that traditional states utilised coercive, military means to enforce their power and authority, while modern states instead rely on 'non-coercive', informational means?<sup>25</sup> Such questions illustrate the centrality of citizenship regimes to the idea of the nation-state and to the current debates over supranationality versus intergovernmentalism in Europe. In what follows, I shall sketch the transformations in treatment of non-resident citizens in a number of EU member states.

In studies of citizenship, France is often portrayed as a country with relatively liberal laws. It is easier to acquire French citizenship than is the case in many other countries, at least partially because French citizenship policies tend to stress shared norms and values—particularly the political values of *liberté, égalité* and *fraternité* and a respect for French language and culture—rather than ethnic or otherwise ascriptive characteristics. The population of 'foreigners' in France remains quite high, at least partially because of some fairly recent restrictions introduced into the law. Nevertheless, the population of French citizens not resident in France is one of the largest such groups in Europe, probably at least partially due to French support for dual and plural nationality. Whereas citizens of some European states are required to renounce citizenship for accepting another one, this has never been the case in France. There are some 1.7 million French citizens resident abroad, meaning that roughly three per cent of those holding French citizenship have their legal residence outside France (including the overseas dependencies). Of this group, almost half live in other member states of the European Union, and

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<sup>23</sup> Herman van Gunsteren, *A Theory of Citizenship: Organizing Plurality in Contemporary Democracies* (Boulder CO: Westview Press, 1998), p.97.

<sup>24</sup> Council of Europe, *Introductory report for the conference on the links between Europeans living abroad and their countries of origin* (Strasbourg: Parliamentary Assembly of the Council of Europe, 1997) p. 6. Hereafter *Europeans living abroad and their countries of origin*

<sup>25</sup> For this distinction, see Giddens, *The Nation-State and Violence*, particularly chapter 4.

over two fifths declare possessing another nationality besides French.<sup>26</sup> The formal, direct political representation of this group dates from 1976. Since then, polling stations have been set up at certain consular offices, enabling French nationals to take part in person in presidential and European parliament elections and in referendums.<sup>27</sup> It is also possible to participate in municipal elections, through the use of a mail-in ballot.

In addition to these direct forms of political participation, French citizens residing abroad can participate indirectly in French politics through the Conseil supérieur des Français à l'étranger (CSFE). This council, chaired by the minister of foreign affairs, is composed of 150 members elected by French citizens resident abroad, one representative of French citizens resident in Andorra, 20 individuals appointed by the foreign ministry and 12 senators elected by the other members. It is important to stress the position of these twelve Senators. The French Senate, composed of 321 Senators, includes explicit recognition of citizens resident abroad by stipulating that only 'résidents de l'étranger' can select these parliamentarians. As is the case with other members of the Sénat, the Senators representing French citizens abroad serve six-year terms, with one third coming up for election every two years.

In the area of social programs, French citizens living abroad can elect to benefit from health, accident and employment insurance, as well as maternity and retirement benefits at the same level as residents of France through the Caisse des Français de l'Étranger. Representatives of the CSFE govern this body with the assistance of government ministries, yet it is a relatively recent institution. The possibility of extending coverage to those temporarily working abroad was first established in French law in 1965, and the Caisse itself was not created until 1978. The Caisse can provide a significant boon to those intending to retire in France or to benefit from their French citizenship, yet its operation is not without problems; adherence to the Caisse does not satisfy the requirements for universal social programs in place in many other jurisdictions, particularly in the European Union. In other words, French residents of many other European Union states are required to make mandatory social programs payments in their home country, regardless of whether or not they belong to the Caisse. As a consequence, the majority of those citizens choosing to insure themselves with the Caisse reside in Africa, Latin America and Asia.<sup>28</sup> In addition to the Caisse, the ministry of foreign affairs administers funds to aid French citizens abroad in dire need of assistance.<sup>29</sup>

Besides social programs, another area of concern to French parents who reside outside France is education. Accordingly, the French government, through l'Agence pour l'Enseignement Français à l'étranger, administers a network of over 400 schools world-wide. Approximately 6000 teachers qualified to teach in France educate the 210,000 or so students who attend French schools abroad. Roughly one third of the student body is composed of French citizens and, through scholarships; the government directly pays for the education of almost 20,000 of these students. Such efforts underscore the importance of education to efforts aimed at nation-building and creating a national citizenry.<sup>30</sup> Through these various institutions and programs, the French government actively encourages French citizens to move abroad while maintaining ties with France. Law no. 97-1027 (November 10, 1997) provides for the automatic enrolment of all French citizens who attain the age of majority (18) on the electoral list in their home community in France. The law is currently being modified to apply also to French citizens resident abroad, so

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<sup>26</sup> The countries with the largest population of French citizens are: the United States, the United Kingdom, Germany, Belgium, Switzerland, Canada, Spain and Portugal. Statistics compiled from Durand-Chastel, 1998, and Council of Europe, *Europeans living abroad and their countries of origin*, p.26.

<sup>27</sup> See also Council of Europe, *Report on Europeans living abroad*, p.10.

<sup>28</sup> Source: Caisse des Français de l'Étranger

<sup>29</sup> In 1997, this fund totalled some 99 million francs and counted some 5385 beneficiaries.

<sup>30</sup> See McNeely, *Constructing the Nation-State*, p. 117.



that they too will be automatically inscribed on the electoral list.<sup>31</sup> In short, French policies toward citizens resident abroad appear quite advanced.

Germany's resident population is approximately 82 million, of whom some 7 million do not hold German citizenship.<sup>32</sup> As a sign of their lack of political importance, no reliable statistics on the number of German citizens living abroad are available. "Even the German Foreign Office was unable to determine the number of persons with valid German passports living abroad when a survey of German embassies was carried out in preparation for the 1987 general election."<sup>33</sup> The only available statistic is that almost 800,000 Germans emigrated in 1993.<sup>34</sup> A complicating factor for studying the nexus between stateness and citizenship in Germany, particularly in terms of political participation, is the federal system. In electoral as in many other matters, the Länder can often set their own policies. Germans resident abroad have had the vote at the federal level since 1985, but only under specific circumstances. In order to be eligible to vote, German citizens must have resided in Germany continuously for at least three months before leaving the country.<sup>35</sup> If they qualify by having lived in Germany continuously for at least three months, Germans resident in Europe or Russia<sup>36</sup> have the right to vote irrespective of the length of time they have lived abroad. Those citizens residing elsewhere lose their right to vote ten years after their departure.<sup>37</sup>

The political rights of Danish citizens abroad are restricted by the Danish Constitution, which states that the franchise is restricted to adults holding Danish citizenship and permanently residing in the realm.<sup>38</sup> This last requirement is worked out in the Folketing (Parliamentary) Election Act and the Local Government Election Act, which cover national and local voting rights respectively and specify that only voters who are 'permanently resident' in Denmark possess the right to vote.<sup>39</sup> While this condition seemingly excludes political participation by all non-resident citizens, the interpretation of this residency requirement has gradually changed. Since 1970, employees of the Danish state working abroad have been considered to fulfil the requirement of 'permanent residency'. In 1980 the residency requirement was further expanded in such a way that citizens working abroad for Danish companies, those working in international organisations of which Denmark is a member or in Danish aid agencies, students studying outside Denmark, and citizens living abroad for health reasons—as well as their spouses—are all considered to have fulfilled the residency requirement. The one provision is that their residency outside Denmark not exceed 12 or 13 years.<sup>40</sup> Thus this interpretation of the constitutional requirement has enlarged the category of Danish citizens residing abroad who can vote. Extending such voting rights to *all* citizens living abroad, however, would require constitutional change.

In 1994, there were 6172 Danish voters living abroad, 0.2 per cent of the total electorate. Information on participation rates by these voters was not available. However, the voting

<sup>31</sup> Union des Français de l'étranger, Pays-Bas, "Les Nouvelles," spring 1998.

<sup>32</sup> Council of Europe, *Europeans living abroad and their countries of origin*, p.26.

<sup>33</sup> Council of Europe, *Report on Europeans living abroad*, p.11.

<sup>34</sup> Council of Europe, *Europeans living abroad and their countries of origin*, p.26.

<sup>35</sup> The three months must have commenced after May 23, 1949. Presse- und Informationsamt der Bundesregierung, "Wählen Sie Mit!" [information pamphlet for Germans resident abroad] (Bonn, 1998).

<sup>36</sup> The Federal Electoral Law refers to Germans resident in a member state of the Council of Europe. In effect, this means the European continent plus, since 1996, the Russian Federation.

<sup>37</sup> German Government, "Election Special: Germany Goes to the Polls" (Bonn: Inter Nationes, 1998) p. 5.

<sup>38</sup> Government of Denmark, *Parliamentary Elections and Election Administration in Denmark* (Copenhagen: Ministry of the Interior, 1996), p.23. In 1995, the Local Government Election Act was changed so that citizens of other European Union countries and citizens of the other Nordic countries possess voting rights, including the right to stand as a candidate, with no minimum residence requirement (except the 22-day requirement to which all voters are subject). Citizens of other countries have a three-year residence requirement before they, too, possess the right to vote and stand as a candidate in municipal elections. *Ibid.*, p.25.

<sup>39</sup> Government of Denmark, *Parliamentary Election Act of Denmark* (Copenhagen: Ministry of the Interior, 1994), pp. 3-4.

<sup>40</sup> Government of Denmark, *Local Government Election Act*. Act No. 140 of March 8th 1989, Part 1 §§1-4.

<sup>40</sup> Government of Denmark, *Parliamentary Elections and Election Administration in Denmark*, p.24. The descriptively named Franchise Board adjudicates such cases.

procedures are not easy for all potential voters. Voting on election day itself requires the presence of the elector at his or her municipality's polling station in Denmark, thus all non-resident citizens *must* vote by advance poll if they wish to do so. Furthermore, those wishing to vote abroad must appear in person at a place where advance voting can be performed: a municipality in Denmark, a Danish embassy or consulate, or a Danish ship.<sup>41</sup> If all procedures are correctly followed, then the completed ballot is mailed to the municipality in which the voter is registered as a resident, and it must arrive before election day to be counted. The fact that elections can be called with only three weeks' notice does not simplify the planning process for Danes abroad residing far from a diplomatic office.<sup>42</sup> Danish citizens living in any EU country as well as citizens of other EU countries resident in Denmark possess the right to vote in the quinquennial elections to the European Parliament. Since Greenland and the Faeroe Islands are not part of the European Union, however, their inhabitants do not have the right to vote in these elections.<sup>43</sup> Furthermore, since Danish citizens who are not 'residents' of Denmark are constitutionally restricted from voting, it appears that Danish citizens who live neither in Denmark nor in another European Union member state cannot currently vote at all in European Union elections. This contradicts European Union law.

Much as Denmark, Finland restricts the political rights of its citizens abroad. Finland's resident population is approximately 5.1 million (including about 62,000 residents without Finnish citizenship), and the number of Finns living abroad is estimated at one million.<sup>44</sup> It would appear that this number includes both non-resident and expatriate (i.e., those who have given up their Finnish citizenship to acquire another nationality) communities. In response to my questionnaire, the Finnish foreign ministry affirmed that "there are really quite many Finns living permanently abroad that have preserved their Finnish citizenship and are therefore eligible to vote in national elections. It is one of the tasks of Finnish embassies and consulates abroad to arrange possibilities for them to vote. Because of practical difficulties—different candidates in every [one of the roughly] 440 Finnish communes—Finnish citizens cannot vote in local elections abroad. Instead, they can vote in parliamentary, presidential and European parliament elections. Because of that, Finnish students don't have to travel to Finland to vote. For quite many Finns the possibility to vote is an essential element of their national identity. It is therefore important that they have an opportunity to use this right." As in other countries surveyed, Finland has a system of 'mail voting', "which means that people have an opportunity to give their vote in post offices across the country before the actual election day. Their votes are sealed in envelopes and then sent to their constituencies where they are counted in a normal way. In the same way, Finns abroad can come to embassies and give their votes there one - two weeks before the actual election date. The Embassy sends their sealed voting clips in envelopes to Finland where they are counted in a normal way." The largest number of voting Finns living abroad can be found from Sweden and other Nordic countries, but recently there have also been more and more votes from Finns living in the other European Union countries. In the parliamentary elections of 1995, the number of Finnish citizens living abroad that had the right to vote was 205,697. Of that number, only 12,474 (6.1 per cent) actually utilised their right.<sup>45</sup>

Every person resident in Sweden must be registered in the population register, maintained by the National Tax Board. Those who leave the country to take up residence elsewhere for more than one year are deregistered.<sup>46</sup> To cater to Swedes abroad, the government maintains Swedish

<sup>41</sup> Government of Denmark, *Parliamentary Elections and Election Administration in Denmark*, pp. 34, 39, 37. Advance voting abroad can also take place with a 'vote receiver' specially appointed by the Ministry of the Interior. This provision is generally used to serve Danish military personnel abroad.

<sup>42</sup> *Ibid.*, p.47.

<sup>43</sup> Government of Denmark, *Parliamentary Elections and Election Administration in Denmark*, p.25.

<sup>44</sup> Council of Europe, *Europeans living abroad and their countries of origin*, p.26.

<sup>45</sup> Government of Finland, 1998 (reply to my questionnaire).

<sup>46</sup> Personal communication (letter from National Tax Board, Elections Unit).

schools in about forty cities outside the country. Furthermore, state subsidies are available for Swedish families resident abroad who wish to send their children to boarding school in Sweden. There are a number of private organisations established by emigrants, including local friendship groups (such as the Swedish-Dutch association) and organisations such as Sweden in the World. One of the main organisations for Swedish citizens abroad is the Church of Sweden Abroad, which has a network of about 45 churches world-wide. Church personnel visit Swedish citizens in hospital or prison abroad, and also cater to the large communities of Swedish pensioners in such cities as London, Berlin and Paris.<sup>47</sup> Voting from abroad was introduced with the Parliamentary election of 1968. Citizens resident abroad can take part only in Parliamentary elections, not county or municipal elections. With the introduction of an elected European Parliament, Swedish citizens residing abroad also gained the right to vote for Swedish Members of the European Parliament. For many years, the Election Act stipulated that Swedish citizens abroad could participate only if they had emigrated less than a decade prior to the election. This requirement was later made more restrictive; in order to be eligible to vote, citizens were required to have been resident in Sweden at some point during the preceding seven years. In 1976, however, the requirement was abolished, and all Swedish citizens over the age of majority who were once registered as residing in Sweden gained the right to vote.<sup>48</sup> Today, there are about 70,000 eligible Swedish voters abroad. More than half (almost 37,000) live in other European Union countries, primarily in the United Kingdom (6432), Germany (4991), Denmark (4499), Spain (3701), France (3522), Finland (3383), Greece (2525) and Belgium (1735). Another 12,180 Swedish citizens over the age of 18 live in Norway, and 2766 live in Switzerland.<sup>49</sup> In terms of logistics, voting abroad is still carried out in the same manner as in 1968: in person at Swedish embassies or consulates. In 1982, the possibility of voting by mail-in ballot was extended to Swedish citizens residing in Germany and Switzerland. In the past, it was necessary to apply beforehand in order to be allowed to vote. Of the 21,565 eligible voters who applied to vote in the 1994 Parliamentary elections, only 16,632—slightly more than three quarters of those who had applied, and only about one quarter of all eligible voters—actually exercised their right. The 1998 elections were the first ones in which this requirement to preregister was lifted. Except for Swedish citizens in Germany and Switzerland who could opt to use mail-in ballots, however, all those wishing to vote had to travel to a Swedish diplomatic mission to do so.<sup>50</sup>

The United Kingdom, as is true in so many areas, is unique and peculiar. The number of British citizens living outside the United Kingdom is estimated at approximately 11 million.<sup>51</sup> Commonwealth citizens resident in the UK still enjoy voting rights, and the British government has historically also (along with countries such as France, Spain, Italy, Switzerland and Ireland) been quite supportive of those wishing to adopt a new nationality while retaining their British citizenship.

Ireland's citizenship laws allow many people with few recent ties to Ireland, primarily second and third generation emigrants, to claim Irish citizenship. Ireland's population of approximately 3.6 million (including some 91,100 foreigners) is dwarfed by the size of the Irish diaspora. There are approximately 50 million people of Irish origin world-wide, including approximately 40 million in the United States of America. The number of Irish citizens residing outside Ireland is significantly smaller, at some 3 million. Of those three million, only approximately 1.1 million were born in Ireland.<sup>52</sup> This establishes a potential problem, in that the population of Irish citizens living outside Ireland (3 million out of the total number of 6.6 million Irish citizens) would form a massive political block if they all voted together. This helps explain

<sup>47</sup> Council of Europe, *Report on Europeans living abroad*, p. 20.

<sup>48</sup> Personal communication to author, *op. cit.*

<sup>49</sup> Statistics as at August 1, 1998. Compiled from personal communication to author, *op. cit.*

<sup>50</sup> Personal communication to author, *op. cit.*

<sup>51</sup> Council of Europe, *Europeans living abroad and their countries of origin*, p.27.

<sup>52</sup> *ibid.*, p.26.

why the Irish electoral law places drastic restrictions on which citizens resident abroad can vote. Although, or perhaps because, Ireland is quite liberal with regards to who can qualify for Irish citizenship, the right to participate politically by voting in elections is closely guarded.

There are approximately one million Austrians abroad, but this number includes both *Paßösterreicher* (those with Austrian passports) and *Herzösterreicher* (Austrians by heart). The *Weltbund der Österreicher im Ausland* (World Association of Austrians living abroad) regroups the more than 100 Austrian associations in more than twenty countries.<sup>53</sup> This distinction between *Paßösterreicher* and *Herzösterreicher* raises the question of how one ‘fairly’ distinguishes between full and semi-Austrians? More broadly, who qualifies as a member of the polity, and who qualifies instead as an *ex*-member of the political community? Does evidence of cultural or emotional ties (e.g. feeling Austrian ‘by heart’) warrant the right to participate politically in the state’s decision-making procedures?

Belgium’s resident population is approximately 10.2 million, including approximately 1.08 million non-Belgian citizens, many of whom work for European Union and related institutions in or around Brussels. Estimates of the number of Belgian citizens living abroad vary widely. One estimate affirms that about one million Belgians live outside Belgium, including about 600,000 Flemings who are mainly resident in the United States of America, Canada, Argentina, South Africa, Indonesia, central Africa and eastern Europe. However, a more recent estimate puts the number at approximately 500,000, of whom only 155,000 are registered with Belgian consulates abroad.<sup>54</sup> The organisation *Vlamingen in de wereld* (Flemings in the world) “assumes that politicians will not become interested in countrymen living abroad until those who have emigrated are given voting rights for the European Parliament, their national parliaments and their local authorities.”<sup>55</sup> Voting rights for Belgians abroad simply did not exist in the past. In line with the position taken by *Vlamingen in de wereld*, however, the Belgian Cabinet has recently put forward a plan to allow non-resident Belgian citizens to vote for elections to the federal Parliament. This development fits with the governing coalition’s commitment to study the situation and concerns of Belgians living abroad.<sup>56</sup> In Belgium, as elsewhere, the issue of citizens resident abroad is growing in importance.

A special case within Europe is Luxembourg. Luxembourg’s resident night-time population is approximately 412,800, of whom 132,500 are foreigners. However, the population increases significantly during the day, as almost one third of the workforce commutes across borders. There is no census or estimate of the number of Luxembourgers abroad, but there were 30,000 non-resident voters in the 1994 general election.<sup>57</sup>

Italy is another country with a large population of citizens who reside abroad, though the proportion is not as skewed as in the case of Ireland. Italy’s resident population numbers approximately 58 million (including roughly 684,000 non-Italians), while the number of ethnic Italians resident abroad is estimated at 30 million. Some 3.5 million of these have registered with consulates.<sup>58</sup> The second national conference on Italian emigration held in Rome in 1988 attracted some 2000 delegates, including 1400 elected by Italians resident abroad within the framework of the emigrants’ committees (COEMITS) established in 1985. These delegates represented an estimated five million Italian migrants who have maintained Italian citizenship. One major proposal made by conference was that an advisory committee should be established to represent the interests of Italians resident abroad. In 1991, Parliament passed a law creating a register of

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<sup>53</sup> Council of Europe, *Report on Europeans living abroad*, p.4.

<sup>54</sup> Council of Europe, *Europeans living abroad and their countries of origin*, p.26.

<sup>55</sup> Cited in Council of Europe, *Report on Europeans living abroad*, p.5.

<sup>56</sup> Government of Belgium, Ministerraad van 24 juli 1998 - Persbericht, “Stemrecht voor Belgen in het buitenland.”

<sup>57</sup> Council of Europe, *Europeans living abroad and their countries of origin*, p.27.

<sup>58</sup> *ibid.*

Italians living abroad and providing for a census.<sup>59</sup> Data from this census still seems to be unavailable.

Portugal's resident population is approximately 10 million, of whom some 150,000 are foreigners. There are more than 4 million Portuguese living outside Portugal, and the Portuguese government "is interested in maintaining the cultural and linguistic identity of Portuguese living abroad."<sup>60</sup> The 1997 Council of Europe study cited an estimated population of 4.6 million Portuguese abroad, significantly higher than the 1994 figure of 4 million. Spain's situation is similar. Approximately forty million Spanish citizens reside in Spain. Since registration with Spanish consulates abroad is voluntary, however, there is no systematic census of Spaniards living abroad. Nevertheless, a calculation based on consular registers estimated the number of Spanish citizens living abroad as of January 1, 1990 at 1.7 million, while almost 1.2 million Spanish citizens were actually registered as living abroad in 1997.<sup>61</sup> If these numbers are accurate, some four per cent of Spanish citizens reside outside Spain.

#### IV States and citizens in Europe

Citizenship is intimately connected with the rise of the state, and pressures currently being exerted on states in Europe are mirrored in the transformation of European citizenship regimes. The European Union consists of a number of societies "in which nations and states are linked through ideas of citizenship and state-directed national development; along with the expansion of the state comes an increase in the civil, political, and social rights of individuals as citizens—as members of the nation-state."<sup>62</sup> One of the key components of modern citizenship is political participation, and this aspect of citizenship has in many ways defined the modern *democratic* state. Politics in democracies is about the relationship of rulers and ruled. This is why attempts to treat citizens as nothing more than customers, taxpayers or consumers are ultimately damaging to the democratic ideal. Democracy is about ways of reaching common and mutually acceptable decisions on the basis of shared values and social goals.<sup>63</sup> Democracy thus assumes a political community, and citizenship is a means of delineating who does and who does not belong to the political 'people'.<sup>64</sup>

Historically, political community was limited by geographic borders. Even before the rise of the modern international system, political participation has always been primarily territorially defined. 'Politics' was thus situated in a spatial hierarchy ranging from city to region to (nation-) state. This geographic aspect of political membership is found in the origin of the word citizen. Its original meaning refers to one who enjoys the freedom and privileges of a city. A citizen is a freeman of a city, as distinguished from a foreigner or others not entitled to its franchises. As states displaced cities as the primary collective organisations, the relevant political community moved from city to nation. Today, only states possess the authority under international law to grant or deny the status of citizen. The idea of political community, almost synonymous with the sovereign nation-state, has thus historically been enmeshed within assumptions of territoriality and exclusivity.<sup>65</sup> Almost entirely absent from this picture were citizens residing outside the borders of the state, as well as the curious category of 'dual citizens'—those with legally-recognised ties to more than one polity. Though the notion of dual nationality has been declared by many scholars to be theoretically impossible and practicably untenable<sup>66</sup>, advances in transportation and communications technology have aided the empirical reality of dual and even

<sup>59</sup> Council of Europe, *Report on Europeans living abroad*, p.14.

<sup>60</sup> *ibid.*, p.18.

<sup>61</sup> *ibid.*, p.19; Council of Europe, *Europeans living abroad and their countries of origin*, p.27.

<sup>62</sup> McNeely, *Constructing the Nation-State*, p. 11. McNeely cites F.O. Ramirez and G.M. Thomas, "Structural Antecedents and Consequences of Statism," in G.M. Thomas, J.W. Meyer, F.O. Ramirez and J. Boli, *Institutional Structure: Constituting the State, Society, and the Individual* (Beverly Hills CA: Sage, 1987).

<sup>63</sup> In Québec, one often hears talk of a '*projet de société*'; political parties cannot succeed politically without such a project.

<sup>64</sup> See Bruce Ackerman, *We the People* (Cambridge MA: Harvard University Press, 1991).

<sup>65</sup> See Michael J. Shapiro, "Moral Geographies and the Ethics of Post-Sovereignty," *Public Culture* 6(3), pp. 479-502.

<sup>66</sup> Raymond Aron, for example, answers the question "Is Multinational Citizenship Possible?" with an emphatic "No!"

multiple citizens. This development has been accompanied by the quite recent extension of the franchise by many democracies to the ‘geographically challenged’—citizens not physically present within the boundaries of their state of citizenship on the day of the election.

While issues and themes relating to the political participation of *immigrants* in various European states have been studied extensively, the political effects of *emigration* are both under-theorised and under-studied. In other words, political scientists and other academics have paid much attention to how migration affects ‘host countries’ without seriously considering its impact on countries of origin.<sup>67</sup> While the incidence of mobility has been increasing and barriers to voting from abroad have been decreasing, political participation by non-resident citizens generally remains much lower than that of resident citizens. The individual’s direct, geographic ties to the state in which he or she lives still seem to be the prime determining factor for political activity. This means that the attention paid to enfranchising immigrants is not misplaced. Indeed, it sometimes seems that ‘citizenship rights’—rights that apply to all members of the polity, wherever they find themselves—are increasingly being replaced by territorially-defined rights based on residency.<sup>68</sup>

On the other hand, as shown in the survey above, political rights which cross borders are growing. A number of European states have recently made it both legal and possible for citizens resident abroad to exercise their ‘right’ to vote, while states in which voting rights for non-resident citizens have a longer history are strengthening ties with communities of citizens residing abroad. Perhaps, in an increasingly (con)federal Europe, ‘citizenship’ will gradually come to be defined in ways similar to its definition and operation in existing federal states: residents of California who ‘immigrate’ to Connecticut, or residents of Ontario who ‘emigrate’ to British Columbia *automatically* lose some old rights and duties and gain some new ones. Old ideas of state-building and nation-building are being replaced by the creation of a European ‘state’; only, this time, it appears that a federal Europe may be more suited to the multiple political identities of the demos than some sort of unitary nation-state. Changing notions of citizenship—as well as old ideals of stateness—are at the heart of the political transformations taking place in Europe. In Europe, various communities of citizens resident abroad result from the various citizenship regimes of the member states. But this form of citizenship, just as other phenomena related to ideas of political community and participation, will be transformed as the theory and practice of citizenship evolve to respond to new pressures and developments. This is particularly true as cases of dual or multiple citizenship increase. Many individuals today can and do participate in (i.e., exercise the rights and duties of) more than one political community. Most significantly, there is a (growing) category of individuals who can and do claim membership in more than one nation-state.<sup>69</sup> Traditionally, political theory has neglected individuals who claim membership in more than one political community. In exploring the question of the extent to which established theories of citizenship can recognise dual and multiple citizens, it becomes clear that the old notion of political identity being tied to geography has been shattered by the emerging reality of mobile individuals. The recognition of such plural citizens necessitates a re-evaluation of the concept of citizenship. Another way to restate this point is to point out that citizenship has historically been conceived of in a unitary way. One was a citizen of a single community and could not really be a citizen of more than one political society. In this sense, citizenship differs from simple

<sup>67</sup> The exception, of course, is the many studies examining themes related to the remittances paid by ‘guest workers’ to relatives in their (almost always developing country) ‘homelands’.

<sup>68</sup> See Yasemin Soysal, *Limits of Citizenship*. David Jacobson takes this approach even further, arguing that a ‘paradigmatic shift’ has changed the very nature of citizenship in the ‘Euro-Atlantic core’, a shift which relocates citizenship from nation-state sovereignty to the international human rights regime. David Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press, 1996).

<sup>69</sup> The empirical numbers on this are difficult to find, but increasing numbers of authors are starting to look more closely at the phenomenon of dual or multiple citizenship. Whereas in the past it was considered an undesirable or even a reprehensible situation for individuals to find themselves in, the legal concurrence in and acceptance of plural citizenship is growing. See Meehan, *Citizenship and the European Community* for a brief sketch.

membership. Membership can refer to social standing within many kinds of communities, but ‘citizenship’ refers to membership in a political community. In the narrowest (and most widely accepted) sense, the only political communities that count are nation-states recognised as such in the international system. In this sense, ‘citizenship’ is restricted to membership in a particular kind of political community: the sovereign nation-state.

Because the sovereignty of this specific kind of political community was long regarded as mutually exclusive and tied to a specific, bounded, territory, there emerged an assumption that political identity is determined by geography—in other words, that one’s residence determines one’s ‘membership status’ and political allegiance. This ‘territorial assumption’ caused theories of citizenship to regard migrations as one-time events—as immigrants move to a new country to stay there for the rest of their lives. The assumption that citizenship is a function of a bounded, stable, and exclusive form of political community (the nation-state) continues to inform virtually all work on the questions of citizenship, and hence also issues of ‘justice’ and ‘community membership’. In this context, the main issue for those theories of citizenship which address issues of migration seems to be the extent of assimilation or acculturation which can be requested or required of new citizens.<sup>70</sup> As the burgeoning literature on migrations and post-national membership makes clear, however, the assumption of bounded political communities is (increasingly) empirically unsound.<sup>71</sup> As long as the territorial assumption remained valid, individuals could simply be assumed to be citizens of the state in which they lived—or at least to belong to a (single) political community in the case of diplomats, traders, and others who were temporarily ‘away from home’.

Now that many individuals and groups no longer necessarily have a single ‘home country’, however, the question of how citizenship theory can respond becomes important. In particular, long-term residents exercise not only social rights, but also civil rights and the political rights of democratic participation. An individual can maintain separate residences in Toronto and Miami, for example, living in Canada during the summer and the United States during the winter. Regardless of citizenship status, such an individual can exercise civil rights and certain social rights in both countries. In addition, if such an individual is a dual citizen of Canada and the United States, (s)he can exercise full political rights in both countries. In the case of both Canada and the United States, it is now no longer even necessary for the individual in question to be a resident to vote in elections. A dual Canadian-American citizen living in London, for example, can exercise her right to vote in both jurisdictions.<sup>72</sup> Furthermore, because she is a Commonwealth citizen (Canada), she can register as a voter in the United Kingdom and vote there too. Theories of citizenship have largely left unconsidered those who (whether through migration or otherwise) claim membership in more than one political community.

The whole notion of membership in more than one political community is alien to the history of political thought. Since citizens of the Greek *poleis* or Roman republic owed their allegiance to the state in which they were born, governed, and were governed, attempting to affirm their connection to more than one political community was unrealisable because it would mean ‘divided loyalties’ and even treason. It is in this sense that migrations between Greek city-states were regarded as suspect; it was easier to move the polis itself than to change one’s political affiliation.<sup>73</sup> Within the classical forms of political organisation upon which most contemporary political theory is built, plural citizenship was untenable. As in the case of Ancient societies, when

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<sup>70</sup> This is the essence of Habermas’s piece on “Immigration, Citizenship and National Identity” in his response to Charles Taylor. Jürgen Habermas, “Struggles for Recognition in the Democratic Constitutional State,” in Amy Gutman (ed.) *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press, 1994).

<sup>71</sup> See, for example, Yasemin Soysal, *Limits of Citizenship*.

<sup>72</sup> In the case of Canada, she must have “the intention of eventually returning to Canada.”

<sup>73</sup> In the *Politics*, Aristotle affirms that a polis need not be tied to a geographic location. Indeed, historically, the citizens of several city-states simply moved their whole state to a new location. For example, the Ionian Greeks of Phokaia and Teos moved their poleis, to Italian Elea and Thracian Abdera respectively, to escape rule by the Persian king Cyrus. Philip Brook Manville, *The Origins of Citizenship in Ancient Athens* (Princeton NJ: Princeton University Press, 1990), p. 39.

conventional modern accounts of citizenship developed, it was easy to distinguish between ‘us’ and ‘them’—insiders and outsiders—and hence between candidates for citizenship and foreigners. The migrations that did occur were assumed to be permanent as immigrants moved to their destination country, became naturalised citizens, and broke ties with the ‘old country.’ Increasingly, however, previously territorially-fixed groups and individuals have gained access to various forms of mobility. In addition to the ‘borderless’ movements of capital, goods and ideas, people too have begun to move around to a much greater extent than was generally true in the past. Large groups of communities of citizens resident abroad have been established whose members fully participate in the politics of their country of residence while at the same time sustaining connections to their country of citizenship. Such individuals thus maintain ties with more than one political community. In many cases, they have access to dual citizenship—to full legal recognition as members of the political community in more than one jurisdiction.

This development challenges established norms of citizenship. In other words, the notion of dual or multiple citizenship is problematic within the dominant theoretical frameworks, since traditional conceptions of citizenship are premised to a greater or lesser extent on a unitary view of community membership—individuals possess a single, fixed citizenship. That being said, however, it seems clear that ‘deviations from the norm’ of a single citizenship pose greater problems for some conceptions of citizenship than for others. Traditional republican and communitarian interpretations of citizenship have the greatest problems with recognising plural citizenship. The category is much less problematic for liberal conceptions of citizenship, since they generally focus on individuals as the bearers of rights, not as ‘participants’ or ‘members of a political community’. As long as the rights and the use made of them do not conflict, there is no problem within a rights-based view of citizenship. Conflict cannot always be avoided, however, and the liberal view of citizenship sometimes deals awkwardly with plural citizens in such cases.<sup>74</sup> Some neo-republican reconceptions of citizenship claim that they can accommodate plural citizenship<sup>75</sup> but I am hesitant to agree that this is probable. As noted above, I believe that the concept of ‘community of fate’ may not be particularly well suited to mobile individuals. At the very least, citizens resident abroad are likely to find themselves relegated to the fringes of the community.

The question of the extent to which national governments and bureaucracies can, should, and do attempt to control processes of integration, disintegration, acculturation is an important one. Some refer to the ‘post-modern state’ and see the decline of sovereignty leading to the resurgence of empires.<sup>76</sup> For others, however, states maintain a large degree of autonomy, in the Weberian sense. Henry Barkey identifies three manifestations of state autonomy. First, when the state has independent interests and pursues these specific ‘state ends’. Second, when the state acts independently of dominant class interference. Third, when the state acts ‘for ends *opposed* to the actual or perceived interests of the dominant class.’<sup>77</sup> Central here is the question of migration. Of course, migration has long affected state autonomy: “too often the challenge which migration sets for concepts of citizenship and nationality is treated as contemporary.”<sup>78</sup> But contemporary migration differs fundamentally from previous patterns of migration in that individuals can much

<sup>74</sup> Consider the case of the dual citizen who can simultaneously claim social welfare rights in two jurisdictions, or of so-called ‘satellite parents’ with, for example, dual Taiwanese and Canadian citizenship who leave their children ‘home alone’ in Canada—thereby allowing them to benefit from Canadian educational and social services and avoid military service in Taiwan—while themselves continuing to live and work in Taiwan.

<sup>75</sup> See Van Gunsteren, *A Theory of Citizenship*, especially chapter 8.

<sup>76</sup> Jean-Marie Guéhenno, *La fin de la démocratie* (Paris: Flammarion, 1993); By contrast, Elkins envisions increased choice flowing from the decline of sovereignty. David J. Elkins, *Beyond Sovereignty*, op. cit. note 6.

<sup>77</sup> Henry J. Barkey, “State Autonomy and the Crisis of Import Substitution,” *Comparative Political Studies* vol. 22 no. 3 (October 1989) pp. 291-314. This definition of and approach to state autonomy is adapted by Barkey from N. Hamilton, *The Limits of State Autonomy: Post-Revolutionary Mexico* (Princeton NJ: Princeton University Press, 1982) p. 12.

<sup>78</sup> David Cesarani and Mary Fulbrook, “Introduction” in Cesarani and Fulbrook, eds., *Citizenship, Nationality and Migration in Europe* (London and New York: Routledge, 1996).



more easily maintain ties with a society of origin when they move. Modern transportation and communications technology renders it easy for people and ideas to move, and the new challenge for some is not integration *within* societies, but between them. In other words, how does a ‘non-resident’ citizen of one state who naturalises to another state relate to both societies? There is no conceptual problem from the standpoint of traditional citizenship theory as long as mobility is restricted to movement *within* states, or as long as movements *between* states are assumed to be permanent, involving a loss of ties to the society of origin and their total or near-total replacement by ties to the new society. The fact that a ‘society’ or ‘political community’ may not be geographically congruent with state boundaries is one problem, spawning numerous conflicts.<sup>79</sup> The fact of people moving between political communities and maintaining ties with two or more than two nation-states, however, is something quite different.<sup>80</sup> This new development does pose problems for those varieties of citizenship theory which refer to notions of ‘loyalty to the community’, ‘shared values’, or ‘participation’.<sup>81</sup>

States that have more flexible policies towards dual nationality will tend to have a larger proportion of citizens resident abroad, since those who emigrate and adopt another nationality will be more likely to retain their first citizenship. And citizens resident abroad will likely prove to be a central preoccupation in future debates about citizenship. As the Weberian state is challenged, citizenship is one of the key elements coming under pressure. This is the case because citizenship is a key ingredient of statehood. Of course, ‘statehood’ does not necessarily imply democratic citizenship; it means only that, in order to be considered a state, an organisation must possess power over ‘its’ people, however that community is defined. This fits with the functionalist approach that any group must be able to exert at least some measure of control over its members, whether it be voluntary or enforced compliance. Indeed, in the traditional Weberian definition, a political entity is a ‘state’ only if it exerts exclusive and effective control over its citizens, at least within its territory.

## V Conclusion

Although policies pertaining to citizenship belong to the core of state sovereignty, the combined effects of European integration and changing conceptions of political community on the citizenship policies of the member states of the Union are understudied as well as undertheorised. Since the development of citizenship is intimately related both historically and conceptually with the evolution of the state, however, examining citizenship policies provides a useful means of evaluating arguments about transformations of state sovereignty, such as those which occur in the debate between supranationalists and intergovernmentalists. Furthermore, current empirical developments pose problems for existing theories of citizenship, which tend to assume a fixed political community whose members both reside within certain territorial boundaries and possess ties of citizenship to only one sovereign authority. The recent return of citizenship as a category of analysis suggests that political and social realities have stretched past the framework within which traditional notions of citizenship were embedded.<sup>82</sup> This paper attempts to both explain new policies and describe the evolution of idioms of political community and nationality in various European states through examining changes in the ways states treat non-resident citizens.

<sup>79</sup> And irredentist movements, as well as calls for secession or annexation.

<sup>80</sup> See James C. Scott, “Why the state is the enemy of people who move around” (unpublished paper), and *Seeing Like a State* (New Haven CT: Yale University Press, 1998).

<sup>81</sup> Pocock notes: “A plurality of communities or sovereignties that take turns in demanding one’s allegiance, while conceding that each and every allocation of allegiance is partial, contingent and provisional, is denying one the freedom to make a final commitment which determines one’s identity, and that is plainly the post-modern danger.” *The Ideal of Citizenship Since Classical Times*, p. 47.

<sup>82</sup> See Herman van Gunsteren, *A Theory of Citizenship*, especially chapter 2 and pp. 133-153. Cf. Will Kymlicka and Wayne Norman, “Return of the Citizen: A Survey of Recent Work on Citizenship Theory,” *Ethics* 104 (January 1994).

In parallel with the establishment of a European Union citizenship, national citizenship regimes in the member states have been undergoing transformation. As the notion of a European citizenship with unique rights, duties, loyalties and allegiances takes hold, citizenship regimes in Europe are being reassessed. The rights and duties of national citizenship are increasingly coming to be compared and contrasted between the member states, and the most extreme differences slowly eased out. In the absence of co-operation at an official level (intergovernmentalism) or top-down decision-making by Union authorities (supranationalism), non-resident citizens of the various European states are assuming similar positions within national citizenship policies. In particular, they are gaining rights of political participation in their country of citizenship (due to changes in national policies) while at the same time gaining such rights in their country of residence (due to new Union policies). In the absence both of a supranational European polity and of treaty-like agreements between governments a certain degree of harmonisation is occurring. This suggests that ideas of stateness, political community, and the scope of the political can transcend national boundaries even in policy areas where states retain full sovereignty. The introduction of two levels of citizenship—in which citizens of member states are simultaneously European Union citizens—paired with the growing political rights of non-resident citizens suggest that both the meaning and practice of citizenship in Europe are undergoing change.