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## Contents

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Preface	vii
Chapter 1. Varieties of Multilevel Citizenship WILLEM MAAS	1
Part I. Migrants and Migrations	
Chapter 2. Denizen Enfranchisement and Flexible Citizenship: National Passports or Local Ballots? LUICY PEDROZA	25
Chapter 3. Attrition through Enforcement in the “Promiseland”: Overlapping Memberships and the Duties of Governments in Mexican America ROGERS M. SMITH	43
Chapter 4. Multilevel Citizenship in a Federal State: The Case of Noncitizens’ Rights in the United States JENN KINNEY AND ELIZABETH F. COHEN	70
Part II. Empires and Indigeneity	
Chapter 5. When Did Egyptians Stop Being Ottomans? An Imperial Citizenship Case Study WILL HANLEY	89
Chapter 6. The <i>Su Bao</i> Case and the Layers of Everyday Citizenship in China, 1894–1904 ELIZABETH DALE	110

Chapter 7. The International Indigenous Rights Discourse and Its Demands for Multilevel Citizenship SHERYL LIGHTFOOT	127
 <b>Part III. Local, Multinational, and Postnational</b>	
Chapter 8. Local Citizenship Politics in Switzerland: Between National Justice and Municipal Particularities MARC HELBLING	149
Chapter 9. Multilevel Citizenship and the Contested Statehood of Bosnia and Herzegovina ELDAR SARAJLIĆ	168
Chapter 10. Citizens of a New Agora: Postnational Citizenship and International Economic Institutions TÜRKÜLER ISIKSEL	184
Chapter 11. Sites of Citizenship, Politics of Scales CATHERINE NEVEU	203
List of Contributors	213
Notes	215
Index	275

## Preface

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This book challenges the dominant concept of citizenship: a unitary and homogeneous legal status granted to an individual by a sovereign state. Before it was monopolized by sovereign nation-states, citizenship had many different meanings, and it was not unusual to think of various levels of citizenship. Today it is important to step back from the details of nationality law under public international law (questions such as which individuals are entitled to acquire or lose national citizenship and how states should handle instances of dual nationality or settle conflicts about which individuals are under their jurisdiction) and counter the assumption that a state is a territorial container whose individual contents, citizens, are both internally equal in status and externally distinct from the contents of other containers. The containers (states) are more multilayered and complex than such a simple model of citizenship allows.

Freeing citizenship from its enmeshment within assumptions about territoriality and exclusivity opens up new avenues in which we may explore the activities and identities of individuals and groups in the interstices of sovereignty. A personal motivation for this book is to demonstrate to fellow scholars of European Union citizenship (who are often told that EU citizenship cannot be real citizenship, because real citizenship can be conferred only by states) and its critics that EU citizenship is not *sui generis* and incomparable with other forms of citizenship but rather the most compelling recent example of a form of multilevel citizenship that has historical precursors and is likely to develop further as Europe's remarkable project to construct a democratic polity beyond the nation-state continues.

Generous funding for this project came from the Social Sciences and Humanities Research Council of Canada (Standard Research Grant 410-2010-2588, "Comparative Politics of Citizenship and Nationality"); the German Academic Exchange Service—Deutscher Akademischer Austausch Dienst, DAAD (grant for "Migration and integration in Germany and the

European Union”); and the EU Centre of Excellence (EUCE) at York University, funded by the European External Action Service of the European Commission. Special thanks to EUCE Coordinator John Paul Kleiner for his administrative wizardry.

The papers that would later become chapters in the book were first presented at a conference held at Glendon College, the former estate in midtown Toronto that became the founding campus of York University and was officially inaugurated by then–prime minister Lester B. Pearson to provide a first-class liberal arts education in both of Canada’s official languages. In Glendon’s Senior Common Room, participants enjoyed a wonderful meal prepared by chef Maria, who deserves every compliment. Thanks also to Alexandre Brassard, Glendon director of research; and to Jonathan Rubin and Nelson Eddingfield, MPIA students at the Glendon School of Public and International Affairs, for conference support and help with the index, respectively.

Colleagues at the Advanced Research on the Europeanisation of the Nation-State (ARENA) Centre for European Studies at the University of Oslo, Norway, asked probing questions during a presentation of the book project, demonstrating that the dominant narrative of statecentric citizenship still has ardent defenders and that breaking down established analytical categories can be frustrating if there are no easily available substitute models. For hosting my talk and for helpful comments, I thank especially Ian Cooper, Meng-Hsuan Chou, and Chris Lord. Students and colleagues at the Jean Monnet Centre of Excellence at the University of Osnabrück, Germany—in particular, Sandra Eckert, Ingeborg Tömmel, Andrea Lenschow, and Martin Geiger—asked similarly fundamental questions and were willing to consider the reconceptualization of citizenship that becomes necessary once the dominant narrative is shown to be riddled with inconsistencies and exceptions.

As always I am grateful to my wonderful wife and children for their support, encouragement, and love. Let me also thank the University of Pennsylvania Press, in particular Peter Agree, Julia Rose Roberts, and Erica Ginsburg. I would like to close by thanking the other authors in this book for a stimulating experience, from initial planning to final editing.

Willem Maas

## Chapter 1

### Varieties of Multilevel Citizenship

WILLEM MAAS

Citizenship in contemporary societies has come to be defined as a homogeneous legal and political status within the context of a nation-state: in the now-dominant meaning, the only form of membership that may be termed *citizenship* is membership in a sovereign state. Although undeniably important, this narrow and exclusionary definition of citizenship obscures important developments at both sub- and suprastate levels. For example, the rise of citizenship of the European Union (discussed further below) has raised expectations that other regional integration efforts may also result in meaningful supranational rights. At the same time, many states, particularly federal or multinational ones, face demands for special regional or group-based statuses that directly contradict the ideal of equality before the law. Similarly, some cities are starting to reassert what used to be the dominant meaning of citizenship until current forms of statehood crowded out alternatives: a *citizen* meant a member of a city (*citizen* descends from the French *cité* and, before that, the Latin *civitas*, the community of citizens) entitled to the privileges and rights of that city.<sup>1</sup> The comparative history of citizenship provides rich examples of multilevel citizenship in theory and practice, although such examples are today often forgotten or obscured by the dominant narrative of a single and homogeneous, territorial, state-based citizenship.

This book aims to upset the now-dominant conception of citizenship by providing a series of examples of alternative concepts of citizenship as they operated or operate in practice or as they are (re-)emerging. The focus is on *levels* of citizenship, particularly nested and overlapping geographical levels: citizenship not only of the state but also of substate, suprastate, or nonstate political communities. The motivation is the urgent need to reflect

on citizenship as a construction of political and legal practices and of territorial affiliations that are not limited by physical borders. Rather than advance a single alternative theoretical model of citizenship—an exercise that in any case might be doomed to fail, given the nuances and complexity that the chapters in this book uncover—the intention is to question taken-for-granted assumptions currently embedded in the concept. Although citizenship as an analytical category has come to be narrowly defined as legal and political equality within the context of a sovereign state, such equality has never existed in pure form.<sup>2</sup> Indeed, unitary citizenship is the historical exception; more common are varieties of multilevel citizenship.

The claim that varieties of multilevel citizenship are historically dominant and that the main contemporary definition of citizenship is a recent aberration in no way challenges the close relationship between this version of citizenship and statehood or the widely shared belief that *citizenship* in today's dominant definition would be meaningless without states. The idea that “without a state, there can be no citizenship” is prevalent.<sup>3</sup> This poses an existential problem for multilevel citizenship: if only states can confer citizenship, then alternative sources of citizenship such as cities, provinces, nations (to the extent that they do not coincide with a state that they control), or supranational entities such as the European Union cannot bestow citizenship, or at the very least cannot be the primary locus of citizenship.<sup>4</sup> By demonstrating that alternative, nonstate communities or jurisdictions *do* in fact constitute important sources of rights and status, the artificiality and arbitrariness of the sovereign state's monopoly on conferring citizenship becomes clear.

The emergence of the modern institution of citizenship cannot be understood apart from the formation of the modern state and the international state system, but the reverse is equally true.<sup>5</sup> States collude to limit competition to their power and authority. One way in which this collusion manifests itself is through the institutionalization of citizenship as the foundational status that individuals must possess under international law—a status epitomized in the form of passports (states choose to recognize only the passports of other states). International agreements specifying that each individual should have precisely one nationality and that this nationality be conferred only by recognized states, rather than alternative forms of citizenship such as those explored in this book, underscore this collusion.<sup>6</sup>

Much of social science has been infected with the view that, because the world is divided into sovereign nation-states, social scientists should study

and understand the world according to that division rather than questioning the category by examining the construction of and limits to the geopolitical structures themselves. In addition to the empirical claim that nation-states are the prime way to study what is “social” in social science, there is sometimes the normative claim that “the community of citizens is the ideal political order” or the related claim that attempts to create transnational forms of citizenship are misguided because only a shared national identity can motivate citizens to work together.<sup>7</sup> This repeats one of the central tenets of nationalism: every nation should have sovereignty over a national territory, and sovereignty is pure and indivisible.<sup>8</sup> (The institutionalization of sovereignty reflects the growth of the international system: the reference in the Covenant of the League of Nations to “the dealings of organized peoples with one another”—specifically leaving out *unorganized* peoples such as those subject to imperialism and colonialism—was rephrased in the Charter of the United Nations as the “principle of equal rights and self-determination of peoples.” Both statements make clear that each “people” is entitled to membership in the international community, as long as it is organized into statehood.) In the nationalist concept, the notion that because *citizenship* in its dominant definition signifies membership in a “national society” such societies should be privileged to the detriment of other forms of collective membership is bolstered by claims regarding the perceived moral superiority of communities of citizens over other forms of community.

Citizenship is thus a political construction. Unquestioningly accepting the dominant definition of citizenship obscures much of the messiness of politics by substituting an anodyne status quo. By contrast, the chapters in this book consider political projects that are not necessarily tied to particular states but rather exist over, under, around, and through them. It is not particularly novel to observe that state sovereignty, nation-based citizenship, and other institutions both public and private are being destabilized and even transformed as a result of globalization, new technologies, and increased mobility.<sup>9</sup> This book is not the first to observe that notions of national allegiance are weakening while subnational (for example, municipal, regional) and supranational (for example, EU) allegiances and identities gain.<sup>10</sup> However, the implications of these developments are not often pursued. Indeed, many scholars remain in denial, asserting that state-based sovereignty and citizenship are not being transformed or, if they concede the pressures that traditional concepts face, asserting that there is no alternative to a world divided into states that all have the same legal status

and similar organizational structure. The dominant narrative of statecentric citizenship still has ardent defenders, and breaking down established analytical categories can be frustrating if there is no easily available substitute model.

Other models of citizenship do exist, however, and the chapters in this book begin to scratch the surface of the dynamic complexity of multilevel citizenship. To better understand this dynamism and intricacy, we must remember that the state in its modern form is the product of a long evolution and that there have been many different forms of stateness. Although the roots of the modern state can be traced back earlier, the Treaty of Westphalia in 1648 heralded the rise of the nation-state form, and Westphalia is typically cast as marking the historical shift to a new international order in which nation-states are the dominant form of political authority and organization.<sup>11</sup> According to Weber, the modern state “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.”<sup>12</sup> Only after describing states as forms of compulsory association does Weber enumerate the quality of statehood so beloved of international relations scholars: “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>13</sup> Compulsory association is today eroding, reopening spaces for alternative forms of citizenship, including multilevel citizenship.<sup>14</sup>

The most developed contemporary literature on multilevel citizenship is situated in the European context, something that is not surprising given the rise of a European Union citizenship that gives concrete rights and entitlements to citizens of EU member states.<sup>15</sup> Despite the Court of Justice of the European Communities affirming that Union citizenship is “destined to be the fundamental status of nationals of the member states,” however, some argue that Union citizenship has so far failed to live up to its potential.<sup>16</sup> Noting the politically contingent and reversible nature of EU citizenship rights also highlights how individuals and groups may (or perhaps must) mobilize at various levels in order to maintain and advance their rights.<sup>17</sup> For example, a study of parental leave policies in Germany found that no single level of government was dominant and that at any one given time, the federal/national, EU, and local levels could all be considered most important; the various actors and spaces merge and blend together, and

“policy scales are fluid and existing within a system of unstable power relations.”<sup>18</sup> The EU is today the primary case of the “dispersion of authoritative decision-making across multiple territorial levels.”<sup>19</sup> There are studies of the implications of extending local, European, and sometimes regional voting rights to EU citizens.<sup>20</sup> There are also studies, based in the European context, questioning the social welfare literature’s assumption that the existence of a unified, territorial nation-state provides the sole basis for solidarity and social citizenship based on redistributing resources.<sup>21</sup> Spatial rescaling, boundary opening, and decentralization have undermined that assumption, as market making, market regulation, and market correction now occur on multiple levels.<sup>22</sup> This dynamic is explored in greater depth most notably in Chapters 10 and 11 in this book.

Other examinations of multilevel citizenship focus not on Europe but on general or global concerns. For example, some feminist research examines “whether the existence of tiered government structures strengthens women’s opportunities to experience dual citizenship or divides their energies and efforts.”<sup>23</sup> Other research emphasizes how women’s entitlement to “national” citizenship rights such as gender equality can be challenged by or made to compete with the group rights of ethnic, religious, national, or language communities at another level of government.<sup>24</sup> Some globalization theorists, meanwhile, advocate the development of political authority and administrative capacity at regional and global levels, seeing those levels as necessary supplements to the political institutions at the level of the state.<sup>25</sup> Both sets of research question the assumption that a homogeneous citizenship based at the level of the territorial nation-state is necessarily the best way of organizing political life. Thereby they place in question the central tenet of contemporary citizenship: that it is a uniform political and legal status that can be bestowed only by sovereign states and must be based on political equality between citizens.

The theoretical literature on the concept of citizenship is varied and voluminous but may be grouped into two strands captured under the terms *republican* (occasionally conflated with *communitarian*) and *liberal*.<sup>26</sup> The republican concept of citizenship emphasizes participation and civic self-rule, as in Aristotle’s view of citizenship meaning not only being ruled but also sharing in the ruling, Machiavelli’s description of Italian city-states, and Rousseau’s focus on determining the collective will. Liberal citizenship, by contrast, emphasizes the rule of law and the individual’s liberty from state interference, a status rather than an activity. Both republican and

liberal conceptions of citizenship are subject to the criticism (often associated with feminism, as in the discussion above) that the distinction between public and private implied in both views of citizenship is artificial. They also fall prey to a multicultural critique that promotes different rights for immigrants and minorities (discussed in Chapters 2, 3, and 4) or constituent nations (discussed in Chapters 8 and 9) or to the possibility of group rights inherent in indigenous self-government (discussed in Chapter 7).

Such critiques all highlight the question of the extent to which citizenship, viewed either as a unitary status or as a shared engagement and activity, can operate within societies that are undeniably plural and where borders have long since lost the meaning attributed to them most notably at the height of nationalism in the twentieth century. As Chapters 5 and 6 elucidate, other models of citizenship are possible not only in theory but have operated in practice. Let me emphasize again that the aim of this book is not to propose an alternative theory of citizenship. Instead, it is *to capture the nuance of citizenship in practice*, both at different levels and in different places and times (geographically and historically). Together, the chapters in this book demonstrate the importance of considering alternatives to the view of citizenship that gained prominence after the French Revolution, grew in importance during the nineteenth century, and dominated during the twentieth century but may now be disintegrating: the notion that citizenship operates at one and only one level.

The next section summarizes the other chapters, and the final section presents the example of citizenship in the European Union, seemingly an unusual case of citizenship beyond the nation-state but—this is a key point—a case that is certainly not *sui generis* or incomparable with other varieties of multilevel citizenship.

### Outline of the Book

Subsequent chapters in this book assess multilevel citizenship with a variety of lenses and can be grouped into three sets. The first, Chapters 2–4, consider the challenges to national citizenship from the perspective of migrants and migrations. The second, Chapters 5–7, focus on the unnatural—from the perspective of contemporary, unitary, territorial, nation-state-based citizenship—idea of imperial citizenship and the continuing assertion by indigenous peoples of their own citizenship rights independent of those

introduced by the colonial state. The final set of chapters, 8–11, emphasize the truly multilevel nature of uncertainties and questions about the future development of national citizenship.

### Migrants and Migrations

The first chapter in the section on migrants and migrations, Lucy Pedroza's chapter—"Denizen Enfranchisement and Flexible Citizenship: National Passports or Local Ballots?"—focuses on denizens: noncitizens who have been granted the right to reside within a state. In Canada and the United States, such individuals include "permanent residents," even if their residence is not always permanent. Pedroza shows that denizen enfranchisement reforms are very heterogeneous, that states combine naturalization and denizen franchise in various ways, and that granting rights of political participation to denizens cannot be understood as simply the waning of traditional citizenship, which had voting rights at its core. Next, Pedroza documents a trend according to which states treat citizenship pragmatically and flexibly, disentangling it from traditions of citizenship that have long been held to be impervious, or at least very resistant, to change. Within this trend, she argues, denizen franchise (just like naturalization) can become an instrument for migration control. Pedroza's overarching question is foundational: she asks whether citizenship still serves as the concept that delimits the membership of people in states. The chapter considers in detail the effects of the disaggregation of the most crucial component of citizenship on the ways in which nationality, citizenship, and migration intertwine. It also examines the question of what this disaggregation means for the principle of equal membership in a self-governing political community. An unanswered empirical question is how the extension of voting rights to denizens affects migration control: more research is needed on the political consequences of denizen enfranchisement, about what kind of difference it makes, because the political significance is far from clear. Are cities governed differently because of denizen voting? How many denizens actually use their political rights? And what is the political agency of migrants; is the development of denizen voting rights a bottom-up or top-down acquisition of rights? Regardless of these empirical questions, the conceptual conclusion must be that citizenship is not uniform, nor is it always tied to the franchise. As Pedroza concludes, even if restricted to the local level, denizen

enfranchisement acknowledges that one person can maintain several allegiances and political relations to different states on different and usually exclusive levels: local allegiance based on residence and national allegiance based on the person's citizenship of origin. A parallel study would investigate the wide variety of emigrant voting rights, such as the right to vote in two or more polities, which likewise raises normative as well as empirical questions and highlights the different and perhaps competing views of peoplehood embodied in the right to vote.

Rogers M. Smith's chapter, "Attrition through Enforcement in the 'Promiseland': Overlapping Memberships and the Duties of Governments in Mexican America," considers political conflict in the United States over which level of government—national, regional, or local—should enforce immigration policy. The United States government has been largely gridlocked on the challenges of crafting a comprehensive national immigration policy for almost a quarter century. In recent years, concerted state and local efforts have arisen that seek to establish policies of "attrition through enforcement" at these levels—taking wide-ranging measures against unauthorized (and many legal) immigrants in the hope that the unauthorized will decide life is too difficult in the United States and return home. The U.S. Department of Justice has challenged many of these efforts, aimed primarily at Mexican immigrants, as preempted by the national government's constitutional power over immigration policy. But "attrition through enforcement" advocates argue that their measures either "mirror" federal policies or fill a vacuum where the national government has failed—and, they argue, it is democratically as well as constitutionally legitimate for state and local governments to contribute to setting national citizenship policies in these ways. Smith's chapter documents these controversies and argues that "attrition through enforcement" advocates have stronger claims on democratic than on constitutional grounds—but that in light of U.S. national obligations to, in particular, Mexican immigrants and Mexican Americans, these policies should nonetheless be opposed. One question is the extent to which the coercive shaping of identity that Smith describes is the same for all U.S. states or differs between them: do U.S. citizens living in, say, Virginia or Montana have the same obligations toward Mexican Americans as those in Arizona or California? Smith concludes on the hopeful note that if those who value multilevel governance with overlapping memberships accept that this means valuing semi-sovereign governments and moderate senses of membership, they will be better able to create and contribute to better lives for all concerned.

Jenn Kinney and Elizabeth F. Cohen's chapter, "Multilevel Citizenship in a Federal State: The Case of Noncitizens' Rights in the United States," focuses on the same phenomenon from a different perspective: differences in state-level regulation of immigrant rights. This chapter argues that the increasing state-level legislation about immigrant rights highlights the vulnerability created by the unevenness of circumstances across states and across time. Even in cases where states have become more inclusive and generous toward immigrants, there is no guarantee that immigrant residents can rely on similar benefits in future years. What seems certain, Kinney and Cohen argue, is that immigrants seeking rights of which prior generations availed themselves are increasingly subject to scrutiny and that this scrutiny takes careful account of their legal status, beyond simply asking whether they are documented or undocumented. The authors conclude that both the extension of inclusionary rights and the retraction of exclusionary rights have effects on whether even documented immigrants can move freely within the United States. The chapter raises the question of the value of free movement and the potential contrast between Europe and the United States. The multilevel citizenship literature focused on the European case cited above demonstrates that central to the whole process of European integration from the earliest days has been the dream of removing barriers to movement and making borders lose their significance.<sup>27</sup> Kinney and Cohen's findings suggest that the opposite dynamic may be at work in the United States: U.S. states are active domains of immigration enforcement, and the variation in their approaches means it is much more desirable to live in some states than others. This leads to a multilevel hierarchy of semicitizenships based on legally assigned statuses and geographic location.

#### Empires and Indigeneity

The next three chapters consider multilevel citizenship from the perspective of empires and indigeneity. Will Hanley's chapter, "When Did Egyptians Stop Being Ottomans? An Imperial Citizenship Case Study," is a nuanced study of the mutability of citizenship, particularly in contexts of questionable sovereignty. In this case, the context is the flexible, locally conditioned, and ephemeral nature of the imperial Ottoman presence in Egypt around the same time period as Elizabeth Dale's focus (in the next chapter), the end of the nineteenth century and start of the twentieth. Hanley demonstrates the persistence of the Egyptians' Ottoman status well into the twentieth century, evidence he argues has been neglected because the nature of

Ottoman citizens'/subjects' membership in their state differs from European and American archetypes of citizenship. The triumph of a system of exclusive, universal, commensurate national citizenships is incomplete—Hanley argues that it cannot be completed, and that thinking of unitary citizenship as completable is misleading—and its advent is recent. Hanley contends that occluded variant systems of state affiliation, including that of turn-of-the-century Egyptian Ottomans, need to be recovered and compared, not least because citizenship in late Ottoman Egypt resembles developing forms of multilevel citizenship. This chapter shows, among other things, the fragility of censuses and government attempts to classify and categorize populations. It also lays out an example of a context in which citizenship is about jurisdiction rather than rights and in which taxation or exemption from taxation determines membership. Furthermore, the chapter illustrates again the importance to governments of residence and settlement: both the nomadic Bedouin and the foreign population were anomalous because they were mobile and exempt from the laws that governed other subjects. Hanley argues that the overwhelming focus of citizenship literature on political rights, especially democratic and electoral politics, deadens analysis of legal, social, civil, and other forms of citizenship. Ottoman-Egyptian citizenship was not democratic, and there can thus be no political consideration of it. When political rights are the measure, states in the Middle East must be judged dysfunctional and pathological. But it is possible to take a more positive view, seeing phenomena such as jurisdiction shopping, self-regulating communities, and differentiated rather than equal citizenship as illustrating how citizenship is actually experienced. This case also suggests parallels with indigenous peoples; with Roma and other nomads; and with legal “persons” such as corporations, which today claim exemptions from state laws, as discussed in Chapters 7, 10, and 11, as well as Chapter 6.

Elizabeth Dale's chapter, “The *Su Bao* Case and the Layers of Everyday Citizenship in China, 1894–1904,” focuses on the trial of Chinese revolutionaries Zou Rong and Zhang Binglin at the Mixed Court in Shanghai, where they were tried and convicted of seditious libel, ultimately being sentenced to two years of hard labor in prison (Zou died in prison while serving out his term). Dale argues that this trial and conviction illustrates how everyday citizenship existed across several sometimes overlapping sovereign spaces. Individual citizenship was defined by the intersection between identity and rights, intersections that were largely determined by

competing claims of national sovereignty and that could sometimes be manipulated by individuals themselves. The context of the trial is one of the perilous statehood of turn-of-the-twentieth-century China, where the authority and legitimacy of the Chinese state was under constant pressure and where the Shanghai Settlement existed in a quasiautonomous relationship with the Chinese authorities. Zou's writings questioned the subjecthood under the Qing dynasty, advocating instead a new sort of citizenship, defined and determined by a sovereign people. Dale shows how the scope of Zou's citizenship was always subject to the political calculations of various different sovereign powers that claimed jurisdiction over him. Nevertheless, for Zou and other revolutionaries such as Zhang, Sun Yat Sen, and others, the ability to exercise the rights of free expression, to act as transnational citizens, could continue so long as they had the desire and the wherewithal to move from country to country. Among other things, this chapter raises the question of the roles of the traveler and the boundary crosser, particularly those who wish to upset or change existing systems of sovereignty and citizenship. It demonstrates that citizenship is shaped but not bounded by the relationship to and with specific states, posing the questions (as elsewhere in this book) of how we can decide whether or not something constitutes citizenship and about how citizenship is made and functions in a world of divided and overlapping sovereignties.

Sheryl Lightfoot's chapter, “The International Indigenous Rights Discourse and Its Demands for Multilevel Citizenship,” explores what differentiated, multilevel citizenship means in theory and in practice for Indigenous peoples. Indigenous peoples around the world have experienced two dominant historical patterns related to citizenship. First, Indigenous peoples were generally denied citizenship because they were deemed too primitive. Second, Indigenous peoples often experience pressures to assimilate into colonial or dominant societies. The tension between discrimination and assimilation forms one backdrop for the international Indigenous rights discourse. The other backdrop, of course, is the state system itself, which, in the words of the United Nations Charter, holds that “All peoples have the right of self-determination.” The effects of the self-determination doctrine are well-known, notably a flurry of declarations of independence during the last century and the continuing tensions between a theoretical world divided neatly into separate territorial containers, one for each people or nation, and a real world in which individuals and collectivities do not fit neatly into these separate containers. Lightfoot's chapter raises the question

of what characteristics are necessary for peoplehood—for example, whether a people must have exclusive, sovereign control over a territory or at least aspire to such sovereignty. Lightfoot critically examines the two major international human rights instruments that address Indigenous peoples' citizenship rights, which proclaim that Indigenous peoples have "the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate freely, if they so choose, in the political, economic, and cultural life of the state." This version of Indigenous rights raises questions such as, Does citizenship require statehood? How can or should conflicts between Indigenous citizenship and state citizenship be managed? Who has the authority to determine whether a people is really a people—is it all in the production and recognition of passports? To the extent that Indigenous rights are thought to emanate from original political and cultural integrity, there is the question of time and history: how much is necessary in order to be a people entitled to citizenship? This chapter again highlights the problem of categories and terminology: Are Indigenous peoples forced to use the concepts (such as citizenship) imposed on them? What do they mean by "citizen"? Do we understand "citizenship" in the same way other groups do? One conclusion of Canada's Royal Commission on Aboriginal Peoples was that "recognition of Aboriginal nationhood poses no threat to Canada or its political and territorial integrity"<sup>28</sup>—but what if it did pose a threat? How would such a threat be defined? Must a people have exclusive control over territory in order to be sovereign? Perhaps most fundamentally in terms of citizenship, who has the authority to determine whether a people is a people, whether the stories of peoplehood are just stories or represent reality?

#### Local, Multinational, and Postnational

The final four chapters consider multilevel citizenship from nonstandard scales: local, multinational, and postnational. Marc Helbling's chapter, "Local Citizenship Politics in Switzerland: Between National Justice and Municipal Particularities," focuses on the seemingly atypical and uncharacteristic case of Switzerland, in which municipalities retain significant authority and control over naturalization procedures, determining who is included and who is excluded from citizenship. He finds that some socioeconomic factors that might be expected to explain differences in naturalization policies (for example, unemployment rates, the ratio of foreigners living in a municipality, the ratio of applicants from Muslim countries)

play no role. Instead, the variation can be explained by differences in local understandings of citizenship, coupled with the influence of political parties and formal decision-making structures. Because of the extreme decentralization of naturalization policies, Switzerland may appear unique, but Helbling argues that local application of citizenship laws and understandings of nationhood are found elsewhere also, contradicting the idea of homogeneous nation-states with clear understandings of peoplehood. Indeed, Helbling concludes that it is astonishing how diverse understandings of citizenship and interpretations of national regulations can be within a single nation-state. Even though it undermines the whole idea of the state as a continuous legal space defined by equality of status and of treatment, the chapter suggests that perhaps the maxim that all politics is local is also true in the realm of citizenship.

Eldar Sarajlić's chapter, "Multilevel Citizenship and the Contested Statehood of Bosnia and Herzegovina," looks at the multilevel citizenship regime in Bosnia and Herzegovina established by the Dayton Peace Agreement, arguing that human rights outcomes are framed by the Peace Agreement's citizenship provisions. The chapter examines how the Bosnian citizenship regime relates to the nature of the Bosnian state and its statehood and how this relationship affects the status of human rights. The case of Bosnia-Herzegovina is noteworthy because, among other things, it provides an example of a recently created state, one born out of conflict over territory and sovereignty. It is a case where basic, foundational questions of peoplehood and citizenship remain fresh and unsettled. The creation of new states formed out of the breakdown of previous ones removes a common fiction that states and statehood are eternal or at least age-old givens, pointing instead to the constructed nature of political community. Given both its recent creation and its peculiar characteristics, the complex citizenship regime of Bosnia and Herzegovina does not appear particularly stable. How can a functioning state with a stable citizenship regime be created in the wake of a destructive and bitter war, one that involved "ethnic cleansing" and was ended only with an externally imposed peace agreement? As Sarajlić notes, one question that remains unanswered is whether the existing Bosnian citizenship regime is sustainable in the long run, as the statehood contestation/affirmation dynamic reproduced by the multilevel character of the citizenship regime might threaten the country's basic stability. In other words, the citizenship regime might cause further deterioration of political circumstances through continuation of clashes between two

mutually irreconcilable political visions of the nature of the Bosnian state and of what it means to be a Bosnian citizen. This instability is exacerbated by relatively weak state capacity and the dual citizenship of ethnic kin: Croats with Croatia and Serbs with Serbia. Sarajlić concludes that external factors will also help determine the shape of Bosnian citizenship: the relationship between the Bosnian state and the European Union (all nations in the Western Balkans are candidates for eventual EU membership) is simply the latest chapter for a region that earlier was the site of contestation between the Ottoman and Austro-Hungarian empires.<sup>29</sup>

Türküler Isiksel's chapter, "Citizens of a New Agora: Postnational Citizenship and International Economic Institutions," examines the creation of what Isiksel terms a "supernational" system of rights and entitlements, which businesses and corporations enjoy under international economic institutions and which they, crucially, help to shape and define. Isiksel accounts for market citizenship as simultaneously a status, a substantive bundle of entitlements, and a practice whereby actors renegotiate those entitlements within a dynamic international context. The entitlements the chapter describes enable firms to hold states responsible for their public policies, so that investors and traders pass on the risks of doing business abroad to host states. In Isiksel's analysis, the emerging market citizenship is no longer a case of businesses and corporations being represented by the diplomatic and consular protections of sovereign states, although such representation remains important. Instead, she argues, firms enjoy market citizenship because the rights they derive from international economic institutions are not politically inert; participation in adjudicative rule making doubles as institution building. Isiksel recalls the European Court of Justice's creation of a "one-way ratchet" that permits individual participation in the European legal system only in ways that advance European integration. A similar logic, she claims, has now migrated from the European Union to the global system: a unidirectional citizenship practice that creates insiders (businesses) and outsiders (everyone else), a creeping takeover of democratic politics at the global level by market logic. Isiksel concludes that this appropriation and adaptation of the familiar practices of democratic citizenship into the realm of economic institutions is both fascinating and disquieting.

Finally, Catherine Neveu's chapter, "Sites of Citizenship, Politics of Scales," critically questions scalar thought by advocating a more expansive

definition of citizenship. Neveu stresses the debated, contested, and always-under-construction nature of citizenship, including its horizontal dimensions (between persons rather than states) and the fact that not all citizens are legal ones. Because Neveu conceptualizes citizenship as manufactured through a multiplicity of processes and by a diversity of agents, and as necessarily contextual, she critically questions the comfortable dichotomies and exclusive, hierarchical order of "scalar thought." Empirically, Neveu's chapter focuses on how practices developed by migrants and their children connect diverse and noncontiguous territories and spaces, subverting the traditional limits of citizenship through practices and forms of public engagement that create "global" cities defined by their inhabitants' practices, circulations, and networks. Neveu argues that vertical, exclusive, and hierarchical conceptions of citizenship should be replaced by one that denaturalizes the political processes through which localizations, citizenships, and levels are produced. Any so-called multilevel citizenship must be seen in terms of the political projects and imaginaries at play, and analyzed contextually. In other words, Neveu argues, there is no proper or exclusive level for citizenship to be enacted, only contextualised sites and spaces; rather than studying levels of citizenship, scholars should focus on the *politics* of levels that underlie political mobilizations and projects.

Individually and collectively, then, the ten other chapters in this book challenge the prevailing definition of citizenship as determined solely at the level of the nation-state by providing a series of examples of alternative conceptions of citizenship, focusing particularly on nested and overlapping geographical levels: citizenship not only of the state but also of substate, suprastate, or nonstate political communities. The next section briefly relates existing accounts of citizenship with that of citizenship of the European Union, the most important contemporary form of supra-state citizenship.

### Multilevel Citizenship in Europe

The most exciting case of multilevel citizenship in the contemporary world is undeniably that of European Union citizenship, which consists of an extensive set of supranational rights for individuals and corresponding obligations for states. As discussed above, the dominant definition of *citizenship*

sees it as a homogeneous legal and political status within the context of nation-states, the “sovereigns” that distinguish insiders (citizens) from outsiders (noncitizens). EU citizenship supersedes this dominant distinction by removing the ability of European states to discriminate between their own citizens and those of other EU member states. This represents a distinct rupture with both state sovereignty and the claims of states to be the sole arbiters and gatekeepers of citizenship and the only level of government able to bestow the benefits of citizenship.<sup>30</sup>

States agree under international law that each state may determine under its own laws who its citizens are. Thus the 1930 Hague Convention declared that “it is in the general interest of the international community to secure that all its members should recognise that every person should have a nationality and should have one nationality only” and “accordingly that the ideal towards which the efforts of humanity should be directed in this domain is the abolition of all cases both of statelessness and of double nationality.” In other words, states agree that every individual should be a citizen—the compulsory association that Max Weber had written about earlier, because everyone must have a citizenship (statelessness should be abolished) and no one may renounce citizenship without acquiring a new one—and states claim binding authority over their own citizens: the push to eliminate dual citizenship reflects the desire to reduce potential conflicts over jurisdiction. The development of EU citizenship therefore raises the question of its legal status and of whether it can fully be called citizenship under international law: if every person should have one citizenship only, it is unclear what it means to be a citizen of a member state (France, Germany, Italy, the United Kingdom, and so on) and simultaneously to be a “citizen” of the EU.

EU citizenship results from a long historical development dating from the postwar origins of European integration. For example, in Italy in 1943, the *Movimento Federalista Europeo* envisaged the creation of a European “continental” citizenship alongside national citizenship, consisting of direct political and legal relationships with a European federation. Separately, the “Milan program” called (among other things) for the legal equality of the citizens of all states and the “option to take out European citizenship in addition to national citizenship,” and the Dutch “European Action” group called for European citizenship to supplement national citizenship.<sup>31</sup> Despite this and other political support, however, it was not until the Maastricht Treaty entered into force on January 1, 1993, that the legal category

of EU citizenship was created. The Maastricht Treaty declared that “Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union” and that “Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.”

The most important right of EU citizenship is the right of any EU citizen to live and work anywhere within EU territory, eliminating the need for work visas or residence permits common in relations between other states. Second, all EU citizens have the right to vote and to stand for election in European Parliament and local elections in their state of residence, under the same conditions as citizens of that state. Third, EU citizens have the right to consular and diplomatic protection by the foreign service of other EU member states when there is no accessible permanent representation (embassy, consulate general, or consulate) of their own member state, an innovation in international law. The member states expected that introducing common protection arrangements for EU citizens would also “strengthen the idea of European solidarity as perceived by the citizens in question.”<sup>32</sup> EU citizenship also includes the right to petition the European Parliament and complain to the European Ombudsman; the right to contact and receive a response from any EU institution in one of the EU’s official languages; the right to access certain European Parliament, European Commission, and European Council documents; and the right of equal access to the EU Civil Service. The Lisbon Treaty introduced a new form of political participation for EU citizens, the European Citizens’ Initiative, which allows one million EU citizens from at least a quarter of the member states to invite the European Commission to draft legislation in areas where the Commission has the power to do so. More generally, EU law prohibits any form of discrimination on the basis of nationality: a citizen of any EU member state must be treated in the same way as a citizen of any other EU member state, without discrimination.

These are important rights, but because the EU does not issue passports (although member state passports all have the same format, color, and other stylistic elements) or determine under its own laws who its citizens are, it may nevertheless appear that EU citizenship cannot properly speaking be considered citizenship at all.<sup>33</sup> Because citizenship defines political actors and the rules within which they operate—separating full members of the polity from others, specifying the rights and duties of each category of people, and privileging certain public identities over others—citizenship

is always contentious.<sup>34</sup> In many national states, both in Europe and elsewhere, the struggle for citizenship has been overwhelmingly a demand for inclusion in the polity, the social dignity attached to the right to vote, and the right to earn a living.<sup>35</sup> Inclusion in the polity is the process by which segments of society previously excluded from membership in political and socioeconomic institutions are incorporated into these institutions as citizens.<sup>36</sup> Critics of EU citizenship observe that the kinds of social movements which demanded inclusion and recognition in the polity and then struggled for expanding rights in nation-states are largely absent at the level of the EU.<sup>37</sup>

Yet denying the status of EU citizenship is not quite so clear-cut when compared with the various forms of nested or multilevel citizenship common in federal states, where individuals simultaneously hold citizenship in the national polity and derive important rights from regional or other substate jurisdictions.<sup>38</sup> Central governments generally disdain claims to substate “citizenships” such as might be found in “internal nations,” for example, Scottish in Scotland, Québécois (no longer “French Canadian” because of the necessity for a nation to have a territory, a transformation that coincided with the so-called Quiet Revolution) in Québec, Catalan in Catalonia, and so on, even though plurinational states adopt a range of policies to foster accommodation and recognition that challenge the idea of the equality of all citizens.<sup>39</sup> This and other comparative examples of nested or multilevel citizenship such as those covered in subsequent chapters in this book raise the question of what EU citizenship can become.

As in several early federal states, no one today may become an EU citizen without first becoming a citizen of a member state. But the institution of citizenship developed and changed over time in such federal states, becoming ever more oriented away from the constituent units and toward the central (national) level of government. In light of such comparative examples, the question arises about the extent to which the EU could conceivably take over coordination and policy-making functions from member states on citizenship matters, including questions of attribution and loss of citizenship. The EU citizenship introduced at Maastricht recalls the earlier introduction of a national layer of citizenship over preexisting municipal or regional versions. Until the nineteenth century, it was commonly cities rather than nation-states that provided residents with the rights that today are central to nation-state citizenship: the rights of residence and work, of trial in local courts and other civil rights, of political participation, and even

to social welfare benefits.<sup>40</sup> The introduction in the nineteenth century of an initially “thin” layer of nation-state citizenship rights over the existing structure of well-established, “thick” municipal citizenships parallels the current overlaying of a “thin” EU citizenship over those same nation-state citizenships.

A weakness of EU citizenship compared with central citizenship in federal states is that EU member states remain the final “masters of the treaty” that established it. The need for all member states to agree unanimously before treaty changes are made makes it difficult to strengthen EU citizenship. For example, during the negotiations that led to the Amsterdam Treaty of 1997, various governments suggested expanding EU citizenship—Ireland proposed granting EU citizens the right to vote in referendums and nonmunicipal elections, establishing an EU volunteer service, and introducing a right to petition the Commission; Italy and Austria jointly proposed introducing a right of petition, a right of association in European trade unions, and a right to education in at least one second language, as well as suggesting that the EU should sign the European Convention on Human Rights and that European political parties should be strengthened. In Austria, the opposition Liberals suggested going even further by extending EU citizenship to third-country nationals who had resided legally within the EU for five years, but this proposal lacked government support and was not included in the joint proposal. Italy later suggested giving the Commission the exclusive right of initiative on issues of immigration, asylum, and external borders (meaning that EU legislation in these areas would have to originate with the Commission), giving the European Court full competence to review legislation and hear appeals and ultimately giving the European Parliament co-decision power over these areas rather than having them remain the exclusive competence of member states. France suggested that free movement issues, including visas, asylum, and immigration, should be decided by qualified majority voting rather than unanimity, which would also make it easier to pass coordinated European legislation. Finland proposed extending “the social rights and duties of European citizens” by adding new rights to EU citizenship, having the EU sign the ECHR, and enacting an EU Bill of Rights; Portugal even drafted a European Citizens Charter, which listed all the rights of European citizenship, including social and economic rights, and was intended “to provide citizens a clear picture of the advantages and added value of European citizenship.” But resistance from Denmark and the United Kingdom scuppered all these

proposals.<sup>41</sup> To meet the Danish and British objections that EU citizenship should not weaken national citizenship, the Amsterdam Treaty added a new clause—"Citizenship of the Union shall complement and not replace national citizenship"—that went well beyond the declaration attached to the Maastricht Treaty, which stated that the question of whether an individual had the nationality of a member state would be settled solely by reference to the national law. Such difficulties in reaching unanimous decisions in a Union comprising many member states leads some to dismiss claims about the supposed supranational or postnational nature of EU citizenship and conclude instead that it is transnational: despite increasingly complex multilevel and international configurations of rights and membership, citizenship in Europe remains tied to established political communities.<sup>42</sup>

Yet EU citizenship is not simply a concept but is backed up by supranational institutions with real authority and at least a modicum of bureaucratic capacity. Attempting to further develop the concept of EU citizenship by creating European citizens and encouraging them to use their rights is a role that the European Commission and the European Parliament fulfill in various ways.<sup>43</sup> The Court of Justice of the European Communities, in Luxembourg, has over the years also promoted an expansive reading of European rights. The most notable current formulation, repeated time and again with the same wording in a series of Court judgments since 2001, is that "Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for."<sup>44</sup> Multilevel citizenship in Europe is not simply about passports but about individuals being able to draw on rights at multiple levels of political authority.<sup>45</sup> The development of citizenship of the European Union raises anew the question of the definition of citizenship and reminds us of the complex historical patterns of variegated and multitiered citizenship.

### Conclusion

This book challenges the dominant narrative of citizenship as a unitary and homogeneous status circumscribed within the context of a sovereign state, the received wisdom that without a state, there can be no citizenship and that substate alternatives such as city- or province-based "citizenship" or

supranational creations such as European Union citizenship do not qualify for the term. This now-prevailing narrow conception of nation-state-monopolized citizenship crowded out alternative forms of citizenship in the post-Westphalian international system, particularly after the French Revolution's supposed invention of nationalism, becoming most influential in the long twentieth century. Inextricably linked with the development of state sovereignty, the narrow definition of citizenship is a historical anomaly whose fortunes rose and will wane with those of sovereign nation-states as the dominant form of political organization.

The tight linkage between the institution of citizenship and that of state sovereignty has fundamental implications for many fields of inquiry, including international relations. Although the much-heralded "end of sovereignty" may still be a long way off, it is clear that the now-dominant form of the sovereign state and the resulting international system of states in which each sovereign state is treated the same as every other sovereign state (for example, Belgium and Brazil, Iceland and India, Malta and Mozambique all have the same status at the United Nations, all issue passports that are internationally recognized, and all have similar institutions of sovereignty, despite wildly divergent characteristics in terms of population, territory, resources, wealth, and so on) face challenges. Recognizing that citizenship is a construction of political and legal practices and of affiliations and identities not limited by territorial constraints underlines the importance of reassessing the continued power and utility of the now-prevailing view of citizenship as unitary and exclusionary. Subsequent chapters in this book approach the question of multilevel citizenship from a variety of perspectives and raise the possibility that the future shape of citizenship may come to resemble its past and present alternatives, including overlapping jurisdictions, shared governance, and multilevel citizenship.

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## Notes

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### Chapter 1

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1. The English word *citizen* comes not from nation-states but from cities, the Old French *citeain*, and before that, the Latin *civitātānum*, as seen also in other Romance languages: an inhabitant of a city or (often) of a town, especially one possessing civic rights and privileges. The *Oxford English Dictionary* further notes that the Latin *civitās* was the noun form of the condition of being *civis*, a citizen. Its primary sense was therefore *citizenship* (specifically, "the body of citizens, the community"), and only in later times was the word taken as the town or place occupied by the community. The historical relation between the Roman *civitās* and *civis* was thus the reverse of that between the English *city* and *citizen*.

2. Leaving aside the question of the degree of sovereignty that states actually exercise; see Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, Cambridge Studies in International Relations 12 (Cambridge: Cambridge University Press, 1990). Following the tripartite development described by T. H. Marshall, one can say there is near-unanimous consensus that citizenship should mean equal civil rights for all citizens, strong but not unanimous consensus that all citizens should have the same political rights, and less consensus that citizenship implies equal social rights. The proper content and extent of each of these categories of rights is also contested, particularly those of newer or less settled social rights. T. H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950).

3. Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 28.

4. For example, the notion of an overarching European Union citizenship is jarring as long as EU member states continue to exist as states and the EU itself is not a state. See Willem Maas, *Creating European Citizens* (Lanham, MD: Rowman & Littlefield, 2007), 2.

5. Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992), 72.

6. Indeed the very concept of international law reflects the priorities of states; after all, it is not *transnational* law or global law or any other version of non-state law; and the recognized parties under international law are states, although Chapter 10 in this book argues that businesses are starting to play a large role and Chapter 7 argues that Indigenous peoples are also starting to play a role in determining the development of international law.

7. Michael Walzer, "Response to Chaney and Lichtenberg," in *Boundaries: National Autonomy and Its Limits*, ed. Peter G. Brown and Henry Shue (Lanham, MD: Rowman & Littlefield, 1981), 101, and David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000).

8. There is no space, nor is it the role of this chapter, to add to the voluminous literature on nationalism. For an overview of some recent work, see Willem Maas, "Emerging Themes and Issues in Nationalism, Ethnicity, and Migration Research," in *The International Studies Encyclopedia*, ed. Robert A. Denemark (Oxford: Blackwell, 2010), 1348–1359. For a recent argument that rights to territory "belong in the first place to peoples and not to the states that represent them" and the conclusion that "the idea that states may claim and exercise the full set of territorial rights as representatives of the peoples they govern appears sound," see David Miller, "Territorial Rights: Concept and Justification," *Political Studies* 60, no. 2 (2012): 265, 266.

9. See, for example, Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996) and David J. Elkins, *Beyond Sovereignty: Territory and Political Economy in the Twenty-First Century* (Toronto: University of Toronto Press, 1995).

10. For some recent examples, see Gertjan Dijkink and Virginie Mamadouh, "Territoriality and the EU Citizen," in *State Territoriality and European Integration*, ed. Michael Burgess and Hans Vollaard (New York: Routledge, 2006), 147–174; Laura Cram, "Does the EU Need a Navel? Implicit and Explicit Identification with the European Union," *JCMS: Journal of Common Market Studies* 50, no. 1 (2012): 71–86; and Jürgen Gerhards and Holger Lengfeld, "European Integration, Equality Rights and People's Beliefs: Evidence from Germany," *European Sociological Review* 28, no. 4 (2012).

11. Connie L. McNeely, *Constructing the Nation-State: International Organization and Prescriptive Action* (Westport, CT: Greenwood Press, 1995), cited in Maas, *Creating European Citizens*, 3.

12. Max Weber, "The Fundamental Concepts of Sociology," in *The Theory of Social and Economic Organizations*, ed. Talcott Parsons (New York: Free Press, 1964), 156.

13. *Ibid.*

14. Elkins, *Beyond Sovereignty*.

15. Maas, *Creating European Citizens*. Also Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996).

16. Willem Maas, "Migrants, States, and EU Citizenship's Unfulfilled Promise," *Citizenship Studies* 12, no. 6 (2008): 583–595. The quotation is from *Rudy Grzelczyk v. Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve*, case C-184/99, ECR 2001 I-06193 (20 September 2001) and has since been repeated often.

17. Willem Maas, "Unrespected, Unequal, Hollow? Contingent Citizenship and Reversible Rights in the European Union," *Columbia Journal of European Law* 15, no. 2 (2009): 265–280.

18. Heather MacRae, "Multiple Policy Scales and the Development of Parental Leave Policy in Germany," in *Federalism, Feminism and Multilevel Governance*, ed. Melissa Haussman, Marian Sawyer, and Jill Vickers (Burlington, VT: Ashgate, 2010), 139.

19. Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration* (Lanham, MD: Rowman & Littlefield, 2001), xi. There is a wealth of literature on multilevel governance in Europe. Recent works include Hubert Heinelt and Michèle Knodt, eds., *Policies Within the EU Multi-Level System: Instruments and Strategies of European Governance* (Baden-Baden: Nomos, 2011); Ingeborg Tömmel and Amy Verdun, eds., *Innovative Governance in the European Union: The Politics of Multi-level Policymaking* (Boulder, CO: Lynne Rienner Publishers, 2009); Beate Kohler-Koch and Fabrice Larat, eds., *European Multi-Level Governance: Contrasting Images in National Research* (Cheltenham: Edward Elgar, 2009); Ian Bache, *Europeanization and Multilevel Governance: Cohesion Policy in the European Union and Britain* (Lanham, MD: Rowman & Littlefield, 2008).

20. Jo Shaw, "Citizenship and Electoral Rights in the Multi-Level 'Euro-Polity': The Case of the United Kingdom," in *A Right to Inclusion and Exclusion? Normative Fault Lines of the EU's Area of Freedom, Security and Justice*, ed. Hans Lindahl (Oxford: Hart Publishing, 2009), 241–253; Jo Shaw, "Political Rights and Multilevel Citizenship in Europe," in *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*, ed. Elspeth Guild, Kees Groenendijk, and Sergio Carrera (Farnham, England: Ashgate, 2009), 29–50.

21. Michael Keating, "Social Citizenship, Solidarity and Welfare in Regionalized and Plurinational States," *Citizenship Studies* 13, no. 5 (2009): 501–513.

22. *Ibid.*

23. Louise A. Chappell, "Feminist Engagement with Federal Institutions: Opportunities and Constraints for Women's Multilevel Citizenship," in *Representation and*

*Democratic Theory*, ed. David H. Laycock (Vancouver: UBC Press, 2004), 66; Louise A. Chappell, *Gendering Government: Feminist Engagement with the State in Australia and Canada* (Vancouver: UBC Press, 2002).

24. Melissa Haussman, Marian Sawyer, and Jill Vickers, eds., *Federalism, Feminism and Multilevel Governance* (Burlington, VT: Ashgate, 2010), 234.

25. David Held, *Cosmopolitanism: Ideals and Realities* (Cambridge: Polity Press, 2010), 177. See the section entitled “Multilevel citizenship, multilayered democracy.”

26. For an expanded treatment of the ideas in this paragraph, see Willem Maas, “Citizenship,” in *The Encyclopedia of Political Science*, ed. George Thomas Kurian, James E. Alt, Simone Chambers, Geoffrey Garrett, Margaret Levi, and Paula D. McClain (Washington, DC: CQ Press, 2011), 226–230.

27. Willem Maas, “The Genesis of European Rights,” *Journal of Common Market Studies* 43, no. 5 (2005): 1009–1025; Maas, *Creating European Citizens*.

28. Canada, Royal Commission on Aboriginal Peoples, René Dussault, and Georges Erasmus, *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*. (Ottawa: The Commission, 1996).

29. See “European Commission, Western Balkans Communication,” March 5, 2008, [http://ec.europa.eu/enlargement/balkans\\_communication/index\\_en.htm](http://ec.europa.eu/enlargement/balkans_communication/index_en.htm).

30. Maas, *Creating European Citizens*.

31. Piero Malvestiti, cited in Maas, “The Genesis of European Rights,” 1012.

32. European Council, 1995, cited in Maas, *Creating European Citizens*.

33. This paragraph and the next draw on Maas, “Migrants, States, and EU Citizenship’s Unfulfilled Promise.”

34. Maas, *Creating European Citizens*, 115.

35. Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991), 2–3.

36. Harry Eckstein, *Regarding Politics: Essays on Political Theory, Stability, and Change* (Berkeley: University of California Press, 1992), 345.

37. See Maas, *Creating European Citizens*.

38. Vicki C. Jackson, “Federalism and Citizenship,” in *Citizenship Today: Global Perspectives and Practices*, ed. T. Alexander Aleinikoff and Douglas Klusmeyer (Washington, DC: Carnegie Endowment for International Peace, 2001), 127–182; T. Faist, “Social Citizenship in the European Union: Nested Membership,” *Journal of Common Market Studies* 39, no. 1 (2001): 37–58; Rainer Bauböck, “Political Boundaries in a Multilevel Democracy,” in *Identities, Affiliations, and Allegiances*, ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranović (Cambridge: Cambridge University Press, 2007).

39. For a recent work examining such issues, see Ferran Requejo Coll and Miquel Caminal i Badia, eds., *Federalism, Plurinationality and Democratic Constitutionalism: Theory and Cases* (New York: Routledge, 2012).

40. Maarten Prak, “Burghers into Citizens: Urban and National Citizenship in the Netherlands During the Revolutionary Era (c. 1800),” in *Extending Citizenship, Reconfiguring States*, ed. Michael Hanagan and Charles Tilly (Lanham, MD: Rowman & Littlefield, 1999).

41. These examples are covered in Maas, *Creating European Citizens*, 68–69.

42. Espen D. H. Olsen, *Transnational Citizenship in the European Union: Past, Present, and Future* (London: Continuum, 2012).

43. Maas, *Creating European Citizens*.

44. *Grzelczyk*, case C-184/99, ECR 2001 I-06193 (20 September 2001).

45. Elsewhere I have argued that the most important substantive rights of EU citizenship are those of free movement, which have been developing since the post-war origins of European integration (Maas, *Creating European Citizens*). Within the growing field of migration studies, most research focuses on international migration, movement between states involving international borders. But migration across jurisdictional boundaries *within* states is at least as important as international migration. Within the European Union, free movement often means changing residence across jurisdictional boundaries within a political system with a common citizenship, even though EU citizenship is not traditional national citizenship. The EU is thus a good test of the tension between the equality promised by common citizenship and the diversity institutionalized by borders. See Willem Maas, “Equality and Free Movement of People,” in *Democratic Citizenship and the Free Movement of People*, ed. Willem Maas (Leiden: Martinus Nijhoff, 2013).

## Chapter 2

1. Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, NJ: Princeton University Press, 2006), 3.

2. Cristina Rodríguez, “Noncitizen Voting and the Extraconstitutional Construction of the Polity,” *International Journal of Constitutional Law* 8, no. 1 (2010): 1.

3. See Marc Helbling, “Local Citizenship Politics in Switzerland: Between National Justice and Municipal Particularities,” Chapter 8 in this volume.

4. Tomas Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration* (Aldershot: Ashgate, 1990), rescued this term from a forgotten academic use to refer to settled immigrants who function in host societies almost indistinguishably from citizens but lack the formal citizenship that would give them electoral rights at all levels and the right to work in certain professions. Rainer Bauböck has redefined it as “a status of residential quasi-citizenship combined with external formal citizenship” (“Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting,” *Fordham Law Review* 75, no. 5 [2007]: 239). I borrow it here in precisely that sense, referring to those migrants that arrived and have a legal status to remain in the territory. Regarding countries that belong to the European Union, in the text or in the tables, note that I do not refer to the electoral rights of Europeans in European countries but to the denizen rights of “third country nationals.”

5. Rogers Brubaker, *Immigration and the Politics of Citizenship in Europe and North America* (New York: University Press of America, 1989); William Safran, “Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community,” *International Political Science Review* 18