

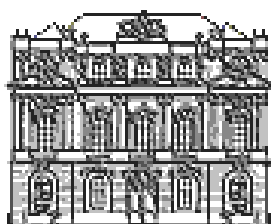


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How migration transforms citizenship:
international, multinational and transnational perspectives

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Abstract: *Citizenship is a status of full and equal membership in a self-governing political community. Relations between such communities can be of three different kinds: international, multinational or transnational. International relations are external ones between independent states; multinational relations are internal ones between different national communities within a larger polity; transnational relations refer to overlapping spheres of sovereignty, membership and political activity between independent polities. Migration across state borders can be interpreted as involving each of these three relations. Seen from an international perspective, migration does not affect the conception of citizenship in the receiving society because migrants' rights depend primarily on their citizenship of origin and on international human rights. Alternatively, migration has been seen as creating new forms of multinational diversity through an export of national cultures from countries of origin to countries of destination. I suggest that the best interpretation of the impact of migration on democratic citizenship is a transnational one that recognizes migrants' overlapping political affiliations and resulting linkages between states. My paper explores policy implications of this perspective for citizenship in receiving and sending states.*

1. Introduction: What you see is what you get

When labour economists study the impact of migration on employment and wages, they assume that this impact can be measured. And when they offer causal explanations, they assume that, although individual behaviour of workers and employers is shaped by their subjective preferences and expectations, the overall impact is objective in the sense that it is independent of what people think it is, or think it should be. This is different with the impact of migration on citizenship. How migration changes citizenship depends to a large extent on how states and their citizens *perceive* migrants and on how they *construct* the meaning of citizenship. Using a motto of the age of personal computers one might say: what you see is what you get. Migration is seen through the lenses of particular national conceptions of citizenship, and this perception of migrants feeds back into ideas about citizenship.

This is not a plea for radical constructivism in theories of migration, nor a justification for sticking to whatever is the received national conception of

* A first version of this paper was presented at the Symposium on Immigration Policies in Europe and the Mediterranean, organized by the Universitat Pompeu Fabra and the Institut Català de la Mediterrània, Barcelona, 30 January – 2 February 2002.

citizenship. For example, calling a state with more than ten percent of its resident population born abroad a country of immigration is a factual statement even if its politicians reject this characterization.¹ On the one hand, such a denial is objectively false and it is important to say so by referring to the relevant facts. On the other hand, the point of stating that “ours is not a country of immigration” is not to deny a sociological reality² but to immunize a certain conception of citizenship against the implications of recognizing this reality. ‘What you see is what you get’ is no excuse for closing your eyes because you fear that you will get what you see. Realism is important in science as in politics and it tells us that we should always want to see better rather than to be blind. And if what we see depends on our looking glasses, then we should not stick to old ones that impair our vision.

I am going to argue in this paper that migration across international borders is best understood as a transnational phenomenon and that this interpretation corresponds with, and reinforces, a pluralistic conception of citizenship. Words such as ‘transnational’ or ‘pluralistic’ are often used without much precision, as signals rather than as tools. They indicate that the speaker places himself or herself in a certain discourse, but not what he or she argues for. One can reduce this conceptual ambiguity by two steps: first, by contrasting a concept with others that describe similar or related phenomena; second, by spelling out practical implications associated with these alternative descriptions.

Having written two monographs and several essays on ‘transnational citizenship’ (Bauböck (1991, 1992, 1994a, 1994b, 1998a, 1998b, 2001a) I have been occasionally confronted with justified criticism that my use of the term ‘transnational’ is somewhat idiosyncratic and deviates from the sociological and anthropological literature on migrant transnationalism (Basch et al. 1994, Appadurai 1996, Faist 2000, Levitt 2001, Portes 1999, Portes et al. 1999, Portes 2001, Vertovec 1999). I respond by suggesting a conceptual distinction between transnational, international and multinational relations from a political theory perspective. The main point of this paper is, however, to show how these distinctions correspond to different citizenship perspectives that shape the perception of migration and suggest specific norms for the allocation of membership and rights within receiving and sending states.

2. Three perspectives on migration and citizenship

¹ Denying this fact formed part of mainstream political opinion in Austria and Germany until the late 1990s. Such declarations are more contested today, although they can still be found in political statements by conservative and right wing populist parties in both countries.

² On the contrary, the statement is usually supported by greatly exaggerated figures about current levels of immigration that are meant to show how this development is no longer under control.

We can define citizenship broadly as a status of full and equal membership in a self-governing political community that entails rights and obligations and is supported by certain virtues. In its narrowest sense, citizenship boils down to 'nationality', i.e. a formal affiliation of persons to states. International migration creates a mismatch between territory and citizenship in this sense: emigrant citizens who live abroad and foreign immigrants who settle in receiving countries. This double incongruity generates two kinds of problems that must be solved.

One problem is which rights and obligations states can assign to their emigrants without interfering with the host state's territorial sovereignty. 'External citizenship' entails minimally the right to diplomatic protection and to be (re)admitted to the state of one's citizenship. Sometimes it also includes voting rights that can be exercised from abroad or obligations to do military service in the 'home country'.

The presence of foreign citizens in a state's territory creates another set of problems associated with liberal and democratic legitimations of political authority. In a liberal perspective government is legitimate only to the extent that it guarantees equal freedom and protection to everybody under its rule. External protection for foreign residents by sending states is not enough when they face arbitrary legislation that discriminates against them in the receiving country. Two solutions to this problem have been combined in liberal democracies: traditional privileges of citizenship have been disconnected from nationality by redefining them as universal human rights or by attaching them to residence and employment. The list includes civil and political liberties and social welfare entitlements as well as rights that are specifically relevant for migrants, such as family reunification or immunity from deportation.

The most important exception is the franchise. This creates a democratic problem of legitimacy. Apart from diplomats, foreign citizens are fully subject to the legislation of their state of residence. Yet they are generally not represented in the making of these laws. A permanent discrepancy of this kind undermines their reasons for obeying the laws. There are again two mutually compatible solutions. The dominant one is to encourage, accelerate and facilitate access to citizenship through naturalization or birth in the territory, the less frequently chosen route is to extend voting rights to foreign residents.³

³ In New Zealand, all permanent legal residents have enjoyed voting rights in all elections since 1975 (although not the right to be elected). In Britain citizens from Commonwealth countries and Ireland can vote and run as candidates in elections at all levels. Ireland grants the national franchise to British citizens and local voting rights to all foreign residents. In 1975 Sweden introduced the vote for all non-citizens after three years of legal residence in local and regional elections and in referenda. Denmark, Norway and Finland have similarly extended local voting rights that were originally only granted to citizens of Nordic countries. In 1985 the Netherlands adopted a local franchise independent of nationality after five years of residence. Two Swiss cantons grant foreign residents voting rights: Neuchâtel in local elections and Jura also in cantonal ones. In the

These liberal and democratic arguments for making citizenship more inclusive in societies exposed to migration are now quite familiar. Yet they are far from being fully accepted when it comes to policy reforms. In spite of a long-term trend towards more inclusive citizenship since the end of World War II we have recently seen significant setbacks, reversals, and stalemates in this development even within long-established democratic states.⁴ We must try to understand why the formal inclusion of migrants is more precarious than that of other previously excluded groups, such as workers or women. One reason for this is that citizenship is not only about universalistic principles of liberalism and democracy, but also about membership in a particular polity. Migrants are different from other groups of the population that had been excluded on grounds of class, gender, race or religion because the former, but not the latter, are perceived as belonging to a different polity and owing allegiance to another sovereign. Although universalistic moral and political principles of justice might be sufficient to state the case for inclusive citizenship, when it comes to including migrants these arguments are filtered through more particularistic perceptions of who belongs and who doesn't. A firm political consensus for inclusion can only be established when societies receiving migrants, but also those sending them, develop a collective identity that supports such inclusion. The dominant discourse focuses on the integration of immigrants where the two camps split over the question whether this is a matter of migrants' rights or of obligations (to support themselves and assimilate into the mainstream culture). What proponents of rights-based integration rarely ask is how societies must see themselves so that they can see migrants as having a right to integrate.

Citizenship in its narrow sense is a legal relation between states and individuals, but in its comprehensive sense it signifies membership in a self-governing community. This distinction allows us to reformulate the question as one about the relation between state and political community. Which conception of political community will support an extension of the legal rights and the status of citizenship that are administered by the state? The key to answering this question is how migration links different political communities to each other. Alejandro Portes (2001) has recently suggested a classification of cross-border activities that distinguishes international, multinational and transnational phenomena. I will use the same categories, although I define them quite differently, to characterize relations between states and political communities.

1992 the Maastricht Treaty the European Union introduced voting rights for citizens residing in other member states for local and European Parliament elections.

⁴ Reversals of a previously more inclusive policy have occurred also in traditional immigration countries. For example, in 1996 the US-American Welfare Reform deprived legal resident foreigners from eligibility in most federal means-tested welfare programs (Joppke 2001:43-44). In the 1990s Australia has introduced lengthy waiting periods before immigrants gain access to welfare benefits (Zappalà and Castles 2000: 69-70). In Europe recent elections in Austria (1999), Italy (2001) and Denmark (2001) have brought to power governments committed to restricting both new immigration and rights of settled immigrants.

Migration across state borders can be interpreted as involving each of these three relations. And migrants' claims to membership and rights will be seen quite differently through these three looking glasses.

The description of all three relations contains the term 'national', which has a dual meaning: It is an attribute of sovereign states as well as of historic communities that aspire for, or exercise, comprehensive self-government. This dual meaning allows us to distinguish three combinations. State and polity may coincide, several political communities can be nested within a larger state, or such communities can overlap between separate states. The label *international* is commonly used for external relations between independent states and for organizations in which these states are represented by their governments. From the perspective of international relations, state and political community are identical. We can therefore characterize it also as a *statist* view of citizenship. International relations have been compared to a game of billiard. Balls represent independent and internally homogenous states whose actions may externally impact on other states. The term *multinational* refers to states like Canada, Spain, Belgium or the UK and to internal relations between their historic communities. Just as there is a specific political theory that has been developed to describe international relations, so there is also a long tradition that deals with nested levels of self-government, i.e. with federal arrangements. Federalism in its broadest sense has been defined as a combination of shared rule and divided rule (Elazar 1987: 5, 12). Many federal states (such as the USA, Australia, Brazil, Germany and Austria) are mononational, and many multinational states are not formally organized as federations. However, there is a contemporary debate whether federal principles should be used more widely to satisfy legitimate aspirations of national minorities for self-government while preserving the territorial integrity of multinational states (Smith 1995, Keating 1996, Guibernau 1999, Requejo 1999, MacIver 1999, Kymlicka 2001, Gagnon and Tully 2001). Finally, political institutions and practices that transcend the borders of independent states can be called *transnational* if they involve simultaneous affiliations of persons to geographically separate polities. Transnationalism has no tradition in political theory, probably because it challenges assumptions of external closure and internal homogeneity of political communities that have remained unquestioned until quite recently.⁵ Most authors see transnationalism as an effect of globalisation, but political theorists who consider the challenge of globalisation have more often focused on the need for supranational and cosmopolitan democracy (Held 1995, Archibugi and Held 1995, Archibugi et al. 1998, Höffe 1999) than on transnationalism from below

⁵ Even the classic theory of federalism elaborated in the Federalist Papers during the campaign for the 1787 US constitution starts from a strong assumption of homogeneity. John Jay writes in Federalist No. 2: "...Providence has been pleased to give this one connected country to one united people – a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs...." (Hamilton et al., 1982:7).

that involves multiple memberships of individuals in different political communities.

The typology I have offered is meant to be a heuristic tool rather than a canonical definition. There are obviously other uses of the terms ‘multinational’ and ‘transnational’ that are not fully captured by my categorization. Alejandro Portes (2001) distinguishes cross-border activities according to the type of actors involved: *international* activities are conducted by states or nationally-based institutions; *multinational* activities are carried out by formal institutions whose purpose and interests transcend a single nation-state; whereas *transnational* activities are initiated and sustained by non-institutional actors across national borders. As Portes points out, there is nothing sacrosanct about such definitions. Any attempt of turning concepts that are often loosely used as synonyms into analytically distinct categories will violate some common understanding of these terms. For example, in his typology, the United Nation would be characterized as a multinational organization rather than, as usual, an international one, whereas international NGOs would be called transnational. In contrast with Portes’ categorization, mine cannot make much sense of the term ‘multinational corporation’, which refers to multiple states in which these corporations are active rather than to nations as distinct political communities within a state.⁶ Another difference is that Portes is primarily interested in social, cultural, economic and political *activities* across borders, whereas my focus is on conceptions of citizenship and relations between political communities. I use ‘transnational’ not only as an attribute of *migrants’* activities and networks, but also to describe changes of political institutions and identities in the larger political communities that they leave or enter.

3. International relations – statist perspectives

As I have explained in the introduction, describing the nexus between citizenship and migration as transnational is not making an undisputable statement about a sociological fact. It would be disingenuous to pretend that this characterization is free of normative judgements and that no other description could be given of the same phenomena. States have traditionally regarded migration from an international rather than transnational perspective and they have interpreted their interests and obligations correspondingly. An international perspective is still overwhelmingly dominant when it comes to admission policies. There are very few constraints on states’ pursuit of their interests in this area. Certainly, different interests in migration compete with each other within receiving states, e.g. security interests to curb down on all migration, economic interests to open borders for the inflow of labour, and nation-building interests

⁶ In my scheme ‘transnational corporations’ is the more adequate description because these companies are involved in simultaneous activities in the jurisdictions of several independent states (although they can’t be properly called ‘members’ of political communities).

to give preference to co-ethnic immigrants.⁷ However, apart from rather weak obligations concerning asylum seekers and family reunification, receiving states do not accept that foreigners outside their borders can raise any claims under international law to be admitted. Before entry most migrants are clearly perceived as citizens of their states of origin towards whom the destination country has no special obligations.

An international perspective may also determine the status, rights and obligations of immigrants after admission.⁸ Thomas Hobbes stated the basic reasoning with exceptional clarity: “But he that is sent on a message, or hath leave to travell, is still Subject; but it is, by Contract between Sovereignes, not be vertue of the covenant of Subjection. For whosoever entreth into anothers dominion, is Subject to all the Laws thereof, unlesse he have a privilege by the amity of the Sovereignes, or by special licence” (Hobbes 1987:117). Immigrants are subject to the laws of their state of residence, but they are not citizens because they have not entered the social contract that established the legitimate political authority of this country. At the same time they may remain under the authority of the sending state if there are international agreements under which states mutually recognize external citizenship rights of foreigners, for example to diplomatic protection.

This view has three implications: First, while immigrants’ have full obligations to obey the law of the host society, their rights depend on external protection provided by their foreign citizenship and international treaties. They have no claim to equal rights within the host society. This does not mean that foreigners are in all respects worse off. As Robert Goodin points out (quoting L. Oppenheim’s *Treatise on International Law* of 1955) “...we may treat our fellow citizens arbitrarily according to our own discretion. To aliens within our national territory, however, we must afford their persons and property protection in accordance with ordinary standards of international law...” (Goodin 1988: 669).⁹ In an international perspective on migration the lack of internal standards of equality will, however, justify extensive discrimination of foreign residents in all areas where rights require positive provision of benefits by the state rather than non-interference with individual liberties.

⁷ The best known case of ethnic priority immigration are Israel’s law of return and Germany’s admission of German Aussiedler from Eastern Europe. However, a number of other countries, including Italy, Greece and Japan have special preferences for immigrants who are descendants of emigrants. Until after World War II the immigration laws of Canada, Australia and the US had rules for exclusions or preferences on racial grounds.

⁸ I am not concerned here with the whole body of norms of international law that apply to migrants, but with an idealtypic contrast between international, multinational and transnational perspectives. The actual development of international law in this area has incorporated many concerns that are best accounted for from a transnational perspective.

⁹ For example, under international law they enjoy stronger protection against expropriation without compensation.

Second, because the immigrants' status remains defined by their foreign nationality their right to stay is always conditional. Only citizens have an unconditional right of residence in their country and of (re)-admission after a stay abroad. Foreign nationals remain guests who may always be asked to leave and who have no right to return.

Third, from an international perspective states cannot be obliged to admit immigrants to their citizenship. According to article 1 of the 1930 The Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws it is for each State to determine under its own law who are its nationals. Because immigrants are seen as owing loyalty to a foreign sovereign, the host society is likely to regard naturalization as a discretionary decision of the authorities rather than a subjective entitlement of the applicant. From an international perspective the freedom of states to determine their own rules of membership is not constrained by subjective rights of applicants, but by the duty to avoid conflicts with other states. This implies that no state should impose its citizenship on a foreign national through automatic acquisition and that all states should avoid the emergence of multiple nationality.

An international relations perspective on migration allows to minimize the impact of migration on conceptions and rules of citizenship by maximizing state sovereignty in this area. The main concern is to regulate conflicts between territorial sovereignty, which turns foreign nationals into subjects, and duties of allegiance that they have towards their states of origin. Such conflicts are most easily resolved if states retain a clear distinction between the rights of foreign nationals and citizens, if they exercise strict control over transitions from one status to the other, and if they attempt to reduce multiple rights, obligations and memberships that migrants may hold simultaneously in the sending state and in the host country.

4. Multinational relations – nationalist perspectives

Regarding migration from a multinational perspective takes us into a quite different field, away from international law and into discourses about multiculturalism. The picture that emerges is a transformation of receiving societies from homogenous nations into multinational states through immigration. From the same point of view sending societies are seen as national homelands of external minorities that may be instrumentalized for projects of extra-territorial nation-building.

We are here concerned with how migration affects not merely the cultural makeup of a society, but the imagined political community. Societies of immigration are generally *multicultural* in the sense of being composed of various (and often overlapping) groups characterized by particular ethnic,

linguistic or religious identities. In a *multinational* perspective the native population and immigrants of different origins form also distinct (and generally non-overlapping) political communities. In this view immigrants are not essentially different from historic minorities (such as the German speaking population of South Tyrol or the Hungarian minorities in Rumania and Slovakia) who claim political autonomy within the state where they live and receive protection from abroad as co-nationals of an external homeland.

In contrast with the international and transnational views of migration, the multinational one is rarely defended as a positive idea. Some proponents of multiculturalism have occasionally denied that migrants should have lesser claims to collective rights than historic national minorities.¹⁰ In most cases, however, blurring this distinction has served the opposite purpose of denouncing the dangers of multiculturalism from a nationalist point of view. Liberal as well as conservative critics have described multicultural policies for immigrant communities as steps leading to a ‘balkanisation’ of society, i.e. as generating a dynamic of ethnic hostilities that could eventually culminate in the break-up of the state into separate polities. However, as Will Kymlicka (1998: 40-59) has pointed out, the programmes targeted by these polemics were generally designed to integrate immigrant minorities by making mainstream institutions more responsive towards their cultural backgrounds. Some of these policies might be reasonably criticized as freezing ethnic identities. But bilingual education and ballots, a revision of history and literature curricula to include immigrant minority traditions, or public subsidies for cultural activities and festivals certainly do not contribute to the formation of separate and self-governing immigrant minorities.

In contemporary liberal democracies the critique that multicultural policies of immigrant integration produce new national minorities who are loyal towards foreign states is a polemical exaggeration that is not backed by much empirical evidence. The transformation of immigrant minorities into distinct national communities cannot be ruled out a priori. But it is important to understand in which contexts such a development is possible or likely to occur.

A first scenario is colonial settlement. European settlers in the Americas, in Australia and New Zealand, in South Africa and Israel established not only their particular culture but also their own political communities that excluded the native population. The states that emerged from this form of conquest by settlement were (with the possible exception of New Zealand) not constructed as multinational polities because indigenous peoples were generally not respected as distinct nations with an ongoing right to self-government within their

¹⁰ A collection of arguments concerning this distinction can be found in contributions by Joseph Carens (1997), Iris Young (1997), Bhikhu Parekh (1997) and Will Kymlicka (1997) to a special issue of the journal *Constellations*. For my own view see Bauböck (2001b).

traditional territories. In the US and Canada the gradual extension of equal citizenship to these populations in the 20th century was accompanied by attempts to dismantle the remnants of political autonomy in indigenous reservations. However, struggles for indigenous self-determination have reversed this long-term trend and have led in our time to multinational patterns of recognition.

A second scenario, which might eventually generate multinational relations, is dependent immigration that remains fully segregated from the dominant society. If a receiving society accepts permanent immigrant settlement in a separate part of the territory while blocking cultural assimilation and political integration across generations, then immigrant enclaves may eventually find themselves in the same position as historic minorities who have formed in response to nation-building processes that excluded their elites and identities. This scenario is, however, a highly improbable one because it requires not only territorial and/or cultural segregation between native and immigrant groups over several generations, but also access of the latter to cultural and economic resources for minority nation-building. As the situation of immigrant workers in the Arab Gulf states illustrates, a permanent segregation of minorities of immigrant origin goes mostly hand in hand with their social and political disempowerment, which prevents any challenge to the hegemonic conception of national identity. Counter-examples that confirm the rule are the Chinese origin population of Singapore or the Indian origin population of Fiji (Carens 2000, chapter 9). Politically powerless immigrants, who had been brought into a colonial 'plural society' as traders or indentured labourers, became economically more prosperous than the indigenous population and were sufficiently numerous to claim political dominance or power-sharing after independence.

A third and more common phenomenon in contemporary western societies are diaspora minorities who maintain a strong national identity and aspiration for self-government across several generations of exile. Homeland nation-building projects by globally dispersed ethnic communities have given the originally religious meaning of the term diaspora a new significance (Cohen 1997). There are today not only Jewish and Armenian diasporas, but also Palestinian, Kurdish or Albanian ones that can be mobilized for nationalist causes and conflicts in 'home countries' where many of them they have never lived. Diasporic identities, whether they are a permanent characteristic of a group or a temporary response to a crisis, are primarily sustained by unfinished nation-building projects outside the host society. Just as social segregation in the receiving society, they may slow down the general pattern of immigrant integration in liberal democracies. However, political integration and diaspora politics are not necessarily incompatible with each other. The American-Cuban community in South Florida mobilizes their clout as US voters in order to influence their host country's policies towards their state of origin. More generally, the external orientation of these nationalist diasporas means that they will hardly challenge

the established conception of citizenship within the receiving state. Unlike national minorities they do not seek political autonomy and recognition as a constituent nation within a multinational polity. The growth of diaspora nationalism is therefore properly described as a transnational phenomenon, as a strengthening of links and overlapping membership between separate polities rather than as a multinational transformation from within.

All three scenarios that account for the persistence of distinct national identities among populations of immigrant origin demonstrate that a multinational view of immigration in liberal democracies is misguided. Immigrants do not arrive as conquerors and settlers, they are not fully segregated from the native population, and the diasporic identities of some communities do not support claims for self-government within the receiving state.

Nevertheless, a multinational interpretation of the immigrant experience has a strong presence in political and media discourses. In receiving societies this perspective may result in three different nationalist approaches to integration: First, a racist discourse on the danger of “*Überfremdung*”,¹¹ the swamping of host nations by immigrant cultures. Immigrants are perceived as representing alien nations whose intermingling with the host nation should be prevented by stopping new entries, enforcing return and by keeping them segregated while they stay. Second, a culturalist discourse on the need for geographic dispersal and cultural assimilation as the precondition for political integration. In this view, distinct national identities of immigrants are not immutably given by their origins and descent, but they will be consolidated if immigrants form their own communities and maintain their cultural traditions. Third, a liberal discourse that promotes a civic national identity that can be shared by populations of native and immigrant origin. Immigrants are free to maintain distinct cultural and ethnic identities as long as they accept that these will not be promoted through state-sponsored programs of multiculturalism, but they are expected to abandon all political loyalties that tie them to their nations of origin.

Although it is rather easy to rank these three responses to the perceived dangers of multinationalism in societies of immigration according to their compatibility with liberal democratic principles, I will argue in the next section that even the civic nationalist argument is in certain aspects empirically mistaken and normatively misguided and needs to be extended towards a transnational perspective.

Depending on how sending countries define their national identities and projects, their governments, too, take different attitudes towards emigrants. On

¹¹ The term is untranslatable. Literally it means ‘over-alienation’. It was part of the standard repertoire of National Socialist discourses on ethnic minorities and has recently re-emerged in the anti-foreigner campaigns of the Austrian Freedom Party.

the one hand, they may regard them as lost populations for the national cause. The very act of leaving your country in need is sometimes stigmatized as treason. More frequently, voluntary expatriation through the acquisition of a foreign citizenship are condemned as a disloyalty that puts the emigrant or refugee beyond the pale of national community. On the other hand, most sending countries try to retain their emigrant populations. Some consider nationality acquired through descent as a quasi-racial marker of origin that cannot be changed. Others have a more voluntaristic view of citizenship but uphold the old doctrine of perpetual allegiance. While they may deprive emigrants, whom they accuse of treason, of their nationality, they do not allow for a voluntary renunciation of nationality. Still others permit individual opting out through naturalization abroad, but let those who don't transmit their citizenship to their children and even to their grandchildren born abroad.

States exposed to large-scale emigration are not merely concerned how to retain the legal ties and loyalty of their emigrants so as to prevent a demographic shrinking of the nation, they are also generally interested in using the emigrants for their own purposes. Emigration can be an asset in two ways: first, by contributing to economic development in the sending country through the flow of remittances from emigrants while they live abroad and through their upgraded skills and investment capital when they return; second, if an emigrant community promotes trade, cultural and political interests of the sending state in the host society. The first strategy relies on temporary emigration. This is obvious if the goal is to induce successful emigrants to return in order to invest their savings and their human capital. But the same is true for remittances. In order to keep them flowing the sending country must be interested in delaying family reunification and naturalization in the receiving state. The second goal assumes, however, permanent settlement and integration abroad. When emigrants turn from low skilled workers into self-employed businessmen they can open markets in the receiving country for consumer goods produced in the sending state. And they can influence the foreign policy of their host state towards their country of origin once they have become voting citizens with their own representatives in mainstream parties, parliaments and high public office.

These considerations should make it evident that, just as there is there is no realistic scenario for transforming immigrant into national minorities, so there is also little danger that sending states will mobilize their emigrants as a nationalist irredenta that threatens the integrity of the receiving polity. In the context of labour and refugee migration from poorer states into wealthy democracies the former will be either interested in keeping migration temporary and encouraging return, or they will promote the economic and political integration of their nationals in order to maximize these emigrants' clout as mediators and lobbies for the sending state's concerns. Neither interest would be promoted by the transformation of the sending society into a multinational state with political

autonomy for immigrant minorities. If the sending state has an autocratic government that is hostile towards a democratic receiving country it may be able to smuggle in spies or terrorists but will in most cases lose control over its emigrants and refugees. Large immigrant communities are much more likely to be influenced by the democratic habits of the receiving country than by non-democratic traditions of sending states.

The case of Mexican emigration to the US is illustrative in this regard. While for a long time emigrants had been regarded with suspicion as people who had abandoned their homeland and who had adopted US American attitudes and life styles, more recently they have been hailed as heroes who help to build a Mexican global nation (Smith 2001). However, the paradox hidden behind this rhetoric is that such nation-building abroad requires promoting immigrant integration into the host nation. This circle can only be squared from a transnational perspective that does not regard political affiliations to independent states as mutually incompatible. Mexico has recently taken a step in this direction by allowing emigrants to retain their nationality of origin when they naturalize abroad (Ramirez 2000). Similar changes of policy have occurred in Turkey, from where the largest contingent of immigrants in Western Europe originates (Østergaard-Nielsen 2001).

5. Transnational citizenship in receiving countries

From a transnational perspective, migration connects sending and receiving societies not only through economic flows and cultural exchange, but generates overlapping boundaries of membership. This condition of belonging simultaneously to two societies organized as independent states is reflected in migrants' subjective experiences and creates opportunities but also burdens. The opportunities will be restricted and the burdens will be heavy if the condition is not recognized by the states concerned.

Recognizing the condition of migrant transnationalism means, however, not merely making concessions to a particular group, but questioning the very foundations of traditional conceptions of citizenship as an exclusive membership in a single political community. Combined with a multinational conception of federalism, a transnational conception of citizenship contributes to redefining the boundaries of democratic community in response to the dual challenge of globalization and identity struggles. The theory of multinational federalism addresses the problems of devolving power and membership in multinational states and of aggregating them at the supranational level, while a theory of political transnationalism examines how lateral linkages between political communities generate new rules for coordinating power and allocating membership between states. The former theory envisages a multiplication of

levels of nested self-government and the latter a progressive blurring of boundaries that distinguish the inside of a political community from the outside.

In the sociological and anthropological literature the relevance of migrant transnationalism is still under dispute. As long as we focus only on changing patterns of activities and identities among migrants there are two reasonable doubts (Portes 2001: 182-4). The first is whether the phenomenon of transnationalism is really so novel that it justifies introducing a new term. Historical studies of population movement within Europe or from Europe to the Americas have revealed patterns of circulatory migration and homeland oriented activities that are quite similar to contemporary transnational phenomena. The other doubt is that transnationalism, then as now, may be merely a passing stage in a longer process of settlement and integration. Not even all first-generation immigrants are engaged in transnational activities. And unless second and third generations of migrant origin have been raised within a diasporic community, the term will no longer apply to them.

I do not want to enter this ongoing debate about the sociological relevance of migrant transnationalism. My point is that even if both objections were granted, this would not undermine the claim that we are witnessing a transnational transformation of political communities and their conceptions of membership. First, as I have explained in the introduction, the impact of transnational practices on conceptions of political community depends on the normative sensitivity of the latter. Until well after World War II mainstream liberalism defended the need for nationally homogenous polities as a precondition for freedom and democracy¹² and generally ignored the claims of national or immigrant minorities to special recognition. Second, even if transnationalism is merely a transient stage in an intergenerational path of integration of immigrant communities, ongoing immigration from diverse origins may still bring about *permanent* changes in the structure of political community. Given their normative commitments democratic societies that have been the destination of migration flows over several generations must rethink their conceptions of membership even if each immigrant cohort reproduces a standard cycle of integration and assimilation.

What are then the main implications of a transnational perspective on migration for the receiving country's citizenship? In which way do they go beyond standard liberal norms of inclusion? Drawing on the discussion so far we can sum up these liberal norms in three points: foreign residents must be protected by universal human rights; after a certain time of legal residence they must be given opportunities to naturalize; and the public conception of national unity should be civic rather than ethnic so that immigrants of whatever origin can be

¹² The classic statement is J.S.Mill's chapter on nationality in his *Considerations on Representative Government* (Mill 1972: 391-98.)

recognized as full members. Each of these requirements can be argued from a liberal interpretation of the international and multinational perspectives on migration; none refers to transnational affiliations.

The added value of a transnational conception of citizenship can be shown by considering how it would extend each of the three minimal liberal norms. First, instead of merely offering migrants protection of their human rights it would establish a presumptive equality of rights for citizens and permanent resident foreign nationals. Legal distinctions between citizens and permanent foreign nationals are not necessarily illegitimate, but should be seen as suspicious so that there is in each case a burden of justification. This norm of equality between citizens and ‘denizens’ (Hammar 1990) is transnational insofar as it blurs the boundary that separates non-citizens from formal members of the polity. Second, it is not enough to *allow* immigrants to change their nationality. Naturalization should be seen as an individual *entitlement* that does not require renunciation of a previously held nationality. Multiple nationality is a formal legal expression of transnational citizenship. And an individual right of admission to citizenship opens the boundaries of the political community so that it no longer operates like a club that selects its members according to its own interests and discretion or like a family that admits only its own kin. In Michael Walzer’s set of analogies (Walzer 1983: 35-42) the polity becomes instead more like an open neighbourhood where everybody who lives in the area has a right to join the assemblies that take decisions for the community. Third, a transnational conception goes beyond civic nationalism in providing arguments for a more robust version of multiculturalism. The main difference with mainstream liberalism is not so much about recognizing certain cultural minority rights for immigrant communities, but about the need to transform the public culture of the society in response to immigration. Instead of pretending that liberal democracies can be neutral towards linguistic difference and historic collective identities, they should provide for multilingual public services and rewrite their public histories so that they include the collective memories and myths of immigrant communities (Bauböck 1998b).

Such norms are not yet prescriptions for specific policies. They need to be interpreted and certain interpretations may conflict with each other or with other values and principles of liberal democracy. Let me illustrate this by discussing several objections to the first two norms I have suggested. (I will not address here the broad question of how a transnational perspective contributes to the debate about multiculturalism.) One type of objection focuses on what appears to be a special privilege of immigrants and thus a discrimination of native citizens. The balance of rights and duties can be tilted towards immigrants in two different ways: either by giving them equal rights but exempting them from certain legal obligations, or by allowing them to accumulate rights from different citizenships which are not available to singular citizens. Another

characteristic objection concerns the balance between rights of migrants and interests of the receiving polity. Granting full rights to migrants is seen to undermine the significance of membership as well as state interests in an exclusive loyalty of citizens.

I will illustrate this debate by discussing four questions: First, do equal rights not also imply equal obligations? Can receiving states then draft foreign residents for military service?¹³ Second, must full equality include voting rights at all levels of representative democracy? Third, if the answer is yes, will this not devalue the status of citizenship and deprive immigrants of any incentive to naturalize? Fourth, will dual nationality not lead to cumulative rights and dubious loyalties? These are difficult questions and all I can do in this limited space is suggest a set of responses that I think are defensible without being able to show in much detail how I would defend them.

To the first question my answer would be plainly no. Equal rights of citizenship do not imply equal obligations. There cannot be an equal obligation for the rich and poor to pay taxes and there have never been equal obligations for all citizens (independent of sex and age) to do military service. Inequalities of rights and inequalities of obligations need to be justified independently, each with regard to the specific capacities, resources, needs and commitments that are at stake in the distribution of particular social goods. The power of a state to oblige its citizens to risk their lives for the defence of their country presupposes that the individuals who are so obliged must have very good reasons to regard it as *their* country. This presupposition is reasonable for native citizens who have grown up in this country, but it is unreasonable for first generation immigrants who have merely resided there for some time. Duties of military service should therefore be imposed only on those who have voluntarily accepted them by applying for naturalization.¹⁴

To the second question whether permanent residents must be given full voting rights my answer is also no, but this no is a weaker one. On the one hand, a receiving state that grants foreign nationals a strong entitlement to naturalize after, say, no more than five years of residence cannot be said to exclude them from democratic representation. Moreover, if immigrants enjoy the same rights as citizens with the single exception of the national franchise, then registering to be naturalized is not much different from entering one's name into a voters' register. Both express a desire to participate in the democratic process. And a

¹³ In the US permanent resident aliens are obliged to serve in the army when there is a general draft.

¹⁴ The same objection would also apply to proposals for an automatic *ius domicili*, i.e. the naturalization of foreigners after a certain time of residence without asking for their consent. Rut Rubio-Marín (2001) has recently defended this idea by suggesting that receiving societies have a strong interest in inclusive and equal citizenship and that migrants have no reason to object inclusion as long as they can retain their previous nationality. In my view, however, migrants' right to retain or renounce a nationality of origin is quite independent of their right to accept, or decline, the offer to become citizens of the receiving polity.

receiving society may reasonably expect that immigrants take this effort of stating their desire to become fully participating members of the polity. On the other hand, I cannot see why states like New Zealand or the UK that grant foreign residents quite extensive voting rights at the national level should be condemned for this. Extending the franchise in this way does not harm any legitimate interests of native citizens (because there is no legitimate interest to exclude immigrants from voting). And the symbolic act of naturalization may well be replaced by the act of registering to vote.

This brings us to the third question whether full equality will not devalue citizenship by removing incentives for naturalization. This frequently heard objection would support much stronger inequality than merely with regard to voting rights. Because each individual vote has only a marginal impact on the outcome of elections, there are few instrumental incentives to naturalize just in order to vote. So maybe one should instead deprive immigrants of welfare benefits or rights to family reunification in order to encourage them to naturalize? This argument reveals a deep ambiguity about the value of citizenship. Promoting naturalization by increasing its instrumental value in terms of individual benefits undermines the intrinsic value of citizenship as membership in a political community. If we want immigrants to choose citizenship out of a sense of belonging and a desire to participate, then we must grant them equal rights already before naturalization (with the sole exception of the right to participate in elections). Doing so will probably reduce the numbers of those who become full citizens. European Union citizens living in other member states of the Union have very low rates of naturalization because the extra benefits – even with regard to political participation – are minimal. I believe that democratic societies should accept this outcome because it reflects different voluntary commitments that result from different degrees of transnational affiliations.

Similar reasons are relevant for answering the fourth question about the toleration of dual citizenship – not merely when it is acquired at birth but also when immigrants want to retain their previous nationality after naturalization. Dual nationality may lead to certain conflicts between incompatible legal norms or cumulative rights and obligations. States take four different attitudes towards dual nationality and each one leads to a different approach for resolving such conflicts. They can impose a requirement of exclusive loyalty, which rules out holding another citizenship, or of primary loyalty, which tolerates a second citizenship but insists that it will be overridden whenever there is a conflict of norms. They may attach effective nationality to residence and regard a second nationality as dormant as long as the individual resides in the country, or they accept active dual nationality, which implies that external and internal citizenships may be simultaneously relevant.

The requirement of exclusive loyalty results from a Hobbesian version of the international relations perspective. It is inadequate not only because it ignores the social and political reality of migrant transnationalism, but also because it can only be enforced in naturalization and does nothing to address legal conflicts that emerge for the increasing number of dual nationals by birth. When naturalizing in the US immigrants must swear an oath of allegiance by which they “absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which [they] have heretofore been a subject or citizen”. Although this formula seems to demand exclusive loyalty, the de facto requirement is primary loyalty instead. The US authorities generally ignore when naturalized citizens hold on to a second citizenship based on an understanding that they will put their obligations towards the US always above those to other states. This rule suffers from one grave deficiency: it fails to meet the Kantian categorical imperative. A principle of primary loyalty cannot be defended as a rule of international law, which would apply equally to all states, and it does nothing to resolve conflicts of loyalty towards the two particular states involved in an individual’s dual nationality.¹⁵

The interpretation that an external citizenship is dormant makes more sense. States are territorial monopolies of legislation and most active rights and obligations of citizens result from residence in a state’s territory. Therefore, as a general rule, the citizenship of residence takes priority over a second external citizenship. However, it would be wrong to regard the second citizenship as simply nonexistent. There is one essential right of external citizenship that remains active. This is right to be admitted into the other state’s territory. Dual nationality, even in its dormant mode, amounts thus to a right of free movement between two states. Moreover, dual nationals may actively use those rights of external citizenship that do not conflict with their obligations towards their state of present residence, for example, by casting absentee votes in elections in the other country. There are other good reasons for accepting that two citizenships can be simultaneously active. Under the rule of dormant second nationality one of the main disadvantages for migrants is that they lose diplomatic protection through their external citizenship. This is especially relevant for refugees who often have not been released from their citizenship of origin and risk being arrested when they travel to see their relatives back home.

Yet state interests may also set some reasonable limits for the accumulation of rights from dual nationality. From the perspective of democratic legitimacy dual voting should not be seen as a problem. As long as two jurisdictions are independent, an individual voting in both will still be counted only once in each election. Different considerations apply, however, to the right of eligibility. The

¹⁵ One might specify the principle so that the last nationality acquired always overrides earlier ones. This would be a universalizable rule, but I cannot think of good arguments to support it.

possibility that a dual national may hold an elective or other high public office in two states simultaneously cannot be easily reconciled with the idea of democratic representation and accountability.¹⁶

Finally, states should also refrain from devaluing citizenship by selling it to individuals who have no social ties to the country. Some Caribbean island states offer second passports to anybody who is willing to pay or invest a substantial sum of money. Italy and Japan have introduced rules that allow even third generation descendants of emigrants in Latin America to “retrieve” the nationality of their ancestors. States ought to respect the basic rule established in the 1955 *Nottebohm* case by the International Court of Justice according to which nationality should reflect a genuine link between the individual and the state of citizenship.¹⁷ Individuals will only rarely have genuine links to more than two states, a toleration of dual nationality need therefore not imply opening the gates for an unlimited proliferation of multiple nationalities.

6. Transnational ties with sending countries: the case for external citizenship¹⁸

Let us now shift our attention from the receiving state towards the sending one. Nearly all political theory debates on transformations of citizenship in contexts of migration have exclusively focused on host societies and questions of immigrant incorporation. A transnational approach draws sending states into the picture not only as societies to which immigrants may retain ongoing ties, but also as agents and as arenas within which the status of emigrants is negotiated. Their policies should be critically examined using the same normative standards as those that guide our judgements in receiving countries. It may be particularly appropriate to raise this point in a conference on migration in the Mediterranean region, whose northern shores have in recent times been both sending and receiving areas of substantial migration. All I will be able to present here is a very brief and tentative sketch of some issues that have been neglected so far.

In my earlier discussion of the multinational perspective I have criticized the common fear in receiving countries that immigrants’ identities are so firmly

¹⁶ The same principles of democratic representation lead to somewhat different conclusion for multiple membership within nested federal polities. As far as horizontal relations between constitutive units are concerned, federal constitutions must not only prohibit multiple office holding, but also multiple voting. In vertical relations between constitutive units and the federal polity everybody is a ‘dual citizen’ and has multiple votes in local, regional and federal elections. Multiple office-holding at various levels of federation is sometimes restricted, but it may often serve as a mechanism that integrates the representatives of constitutive units into schemes of power-sharing in federal governments.

¹⁷ *Liechtenstein v. Guatemala*, 1955, International Court of Justice 4, 22-23.

¹⁸ Several paragraphs in this section have been adapted from a comment written for a workshop on Transnational Migration: Comparative Perspectives, organized by the International Migration Program of the Social Science Research Council, the Transnational Communities Programme of the Economic and Social Research Council and the Center for Migration and Development at Princeton University in July 2001 at Princeton University.

rooted in their origins that they will form distinct national minorities who can be easily manipulated from abroad. The same critique applies also to sending countries whose rhetoric about ‘external nation-building’ nourishes such anxieties. I have attempted to show that such claims are in fact self-contradictory because only economically and politically well-integrated immigrants can serve as a lobby that promotes the interests of the sending state vis-à-vis the host country. This leaves open the question what kind of status, rights and public identities should be attributed to emigrants by the country of origin. I will set aside the important question how to justify special protection for co-ethnic minorities of emigrant descent or special privileges of “return” of individuals who are neither formal citizens nor have themselves emigrated, but are seen to “belong” to the nation because they share an ethnic, religious or linguistic identity with the majority population (Thranhardt 2000). Let me focus instead only on the external rights of those who possess the citizenship of their country of origin. I have already mentioned, and defended diplomatic protection and their right to return and have criticized countries that refuse voluntary expatriation or allow for the transmission of a foreign nationality to third and later generations.

Assuming then that no emigrant holds a citizenship of origin against her will and that only those who are linked to this country through genuine ties can hold it, what should be the rights that external citizens can exercise within that polity? Rights to hold or inherit property will be relatively uncontroversial; social welfare benefits should generally be tied to residence and employment and will thus be irrelevant except for commuters.¹⁹ The most interesting issue are external voting rights. I have argued that these do not generally pose a problem of democratic legitimacy for the receiving society, although the multinational perspective looms large in public debates and nourishes worries about foreign states conducting election campaigns within the territory of another sovereign.²⁰ Assessing whether states ought to grant such rights to emigrants as a matter of democratic principle is a different question.

In September 1999 Italy introduced the right to vote from abroad and reserved 24 seats in parliament for the representation of emigrants. Columbia has similar entitlements for its citizens abroad. The Mexican and Dominican governments have committed themselves to introduce absentee ballots (Levitt 2001:206). Austrian citizens can cast their votes at consular offices in other countries, but have no special representation. Most other states require that their emigrant citizens travel home in order to participate in elections.

¹⁹ However, migrants will be disadvantaged if the sending and receiving state have no agreement on social security entitlements, e.g. regulating that times of employment in the other state will count towards minimum contribution periods for retirement pensions.

²⁰ Public opinion in the US seems to be quite worried about an eventual extension of voting rights by Mexico to dual nationals living abroad.

From the perspective of theories of democracy two basic objections can be raised against all such rights of external political participation. Those who take part in collectively binding decisions and in the election of representatives should have, first, some ongoing involvement and, second, some future stakes in the polity. Recent theories of deliberative democracy have emphasized that democratic decision-making is not about the aggregation of isolated individual preferences but requires a willingness to argue, to listen, and to accept the force of better reasons (Bohmann 1996, Benhabib 1996, Gutmann and Thompson 1996, Dryzek 2000). These may be somewhat idealistic assumptions, but they provide a powerful argument against including voters whose extra-territorial position puts them squarely outside a national public sphere. Instead of being exposed to the candidates and the issues at stake, these voters would have to make special efforts to acquire the relevant information. The second objection is about future involvement in the polity. Citizens will only vote responsibly with a view towards the implications of their choices for the common good if they know that they will have to bear the consequences of the outcome. This argument is certainly not strong enough to justify restrictions on emigration. Liberal democracies combine the rights of voice and exit (Hirschman 1976). However, it is not obvious that those who have already exited should still retain a voice in deciding a future that will no longer be theirs.

These are *prima facie* reasons for a residential qualification of the right to vote. (The same reasons count in favour of voting rights for immigrants either through extending the franchise to non-citizens or through a right to naturalization.) I think that these objections can be sometimes overcome by more contextual arguments. Technologies of information and cheap travel that have boosted the emergence of ‘transnational social fields’ (Faist 2000) facilitate also the involvement of emigrants in electoral campaigns. With satellite TV and the internet access from abroad to first-hand information about politics in the homeland has become much less costly and time-consuming. Furthermore, the few emigrants who bother to cast their votes (especially if they have to take an effort to travel to a consulate or to recruit witnesses) are more likely to have acquired the relevant information. This mechanism of self-selection means that emigrant voters may be no less well informed than average citizens at home. This argument holds for isolated groups of emigrants whose vote will anyway make little difference. Somewhat different considerations apply to large concentrations of migrants from a particular sending country in a single receiving state such as Mexicans, Haitians and Dominicans in the US or Turks in Germany. In such contexts, where the emigrant vote can decide particular outcomes, electoral campaigns can be carried abroad and absentee voters will then be no less exposed to candidates and issues than the electorate at home.

Transnational networks are also relevant for overcoming the second objection about emigrants' lack of stakes in the political future of the homeland. Migrants who move back and forth between countries of origin and immigration, who are committed to returning, who send remittances or invest their earnings in their hometowns obviously have strong interests in the future of the community and assume a fair amount of responsibility for the outcome of the collective decisions in which they participate. The objection stands, however, with regard to second or later generations. While the children of immigrants ought to be able to acquire their parents' citizenship alongside that of their country of birth, there is no reason to grant them voting rights in their parents' country of origin. As a general rule, extra-territorial voting rights should expire with the first generation, and the transmission of formal membership itself should be stopped in the third generation.

Apart from these responses to the two basic objections one could also consider a positive reason for emigrant voting rights. Because most receiving countries do not grant voting rights to foreign residents, these populations will be deprived of any opportunities for democratic participation unless they can vote in their home countries. Such an argument for an unspecified human right of adults to a democratic vote can, however, not exempt the receiving country from its special obligation to give immigrants access to its own citizenship. This illustrates my general point that transnational rights cannot be fully derived from universal rights of personhood (Soysal 1994) but should rather be understood as extensions of state-based citizenship.

I believe that these arguments can overcome most objections against external voting rights from the perspective of the integrity of the democratic process in the sending country. Electoral participation from abroad should be seen as permissible. I do not think, however, that these rights must be granted to emigrants as a basic requirement of democratic inclusion. The main reference point for such inclusion must be the resident population that lives permanently in a territorial jurisdiction. In contrast with voting rights, diplomatic protection, re-admission from abroad and the voluntary renunciation of citizenship should be seen as basic elements of external citizenship that all countries of emigration ought to provide for.

7. Conclusions: transnational or cosmopolitan citizenship?

In this essay I have contrasted international and multinational perspectives on migration and citizenship with a transnational one. I have argued that it is possible to choose between these alternative views and that there are good normative reasons to prefer the third to the former two. However, I do not want to overstate my case. The most plausible approach is to regard transnational citizenship not as a denial of the other two views, but as an extension that starts

out from their most liberal interpretations. The institutions of democratic states remain in many ways tied to state-based and nation-based perspectives. The scope for transnationalism remains constrained by the fact that all independent states regulate the immigration of foreign nationals and the fact that their public institutions and identities have always been shaped by particular nation-building projects.

Much the same can be said about the experiences and aspirations of most transnational migrants. Their interests remain fundamentally tied to specific territories, states, and nations. The great majority of modern migrants are not nomads living in their own deterritorialized communities that are detached from the institutions of states and disconnected from territorial nation-building projects. For labour migrants and refugees multiple memberships often mean multiple dependency. Their precarious position as outsiders in two political communities makes them more vulnerable and dependent upon protection by state institutions.

The transnational conception of citizenship that I have outlined falls therefore short of a cosmopolitan vision. Instead of disconnecting citizenship from membership in bounded political communities, this perspective focuses on the increasing pluralization of memberships that results from the overlapping of particular communities. This is still a quite large agenda. It means that transnationalism is not only relevant for migrant communities but requires a transformation of the overall conception of citizenship in both receiving and sending polities.

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