

# IS CITIZENSHIP NECESSARY?

When many people have ties to multiple locations, the idea of citizenship itself may need rethinking, writes **Charles Richardson**

So many descriptions of globalisation are already clichés that sometimes we need to stop and remind ourselves how much the world really has changed in modern times. The first circumnavigation of the globe was less than 500 years ago; it's now routine. Goods, capital and people move to the remotest parts of the world with an ease that was unthinkable a couple of generations ago. The web of communications draws us closer together every year. And with ease of movement has come migration on an unprecedented scale.

Whole countries such as Australia, the United States and Canada pride themselves on being 'nations of immigrants,' a concept unheard of three centuries ago. More recently, countries of the 'old world' have become recipients of migrants again. Nor do immigrant groups remain racially segregated as once they might; they intermarry with established residents and with one another, producing children with ties to multiple countries and ethnicities.

As more people move around than ever before, the question of how to treat non-citizens becomes more and more salient. What do newcomers to a country have to do to reach a footing of practical equality with those who were born there? Can they legitimately aspire to the same participation in the community: to the equal protection of the laws, to a share of the benefits of a social welfare system, to the right to vote and to stand for public office?

Much work on citizenship and immigration—whether polemical or academic, historical or contemporary—assumes that citizenship is necessary for genuine membership

in a community, or at least that the primary barrier to the full participation of immigrants is the difficulty involved in gaining citizenship, rather than the way that immigrants are treated even if they choose not to acquire citizenship in their new countries. One purpose of this article will be to challenge that assumption and ask whether we should care so much about citizenship or even retain the distinctive status of 'citizenship.'

'The concept of citizenship is ancient, and yet its meaning remains contested to this day.'<sup>1</sup> Our notions are largely shaped by what I call the 'classical model' of citizenship, originating as it did in the city-states of ancient Greece.<sup>2</sup> Under this model, citizenship amounts to membership in a political community. People belong to (at most) one such community, and as a rule they are born into it and then pretty much stuck with it; they owe *allegiance* to it, including the obligation to fight for it if required. Changing citizenship is possible but difficult, sometimes taking several generations. And it's a correspondingly valuable thing to have—to be deprived of one's citizenship is a major step.<sup>3</sup>

**Charles Richardson** is a Director of Above Quota Elections, a frequent contributor to *Crikey* and other publications, and a former editorial manager at The Centre for Independent Studies.

Endnotes for this article can be found at [www.policymagazine.com](http://www.policymagazine.com).

So citizenship is fundamentally a political concept, and political rights remain at its centre. This article mainly analyses how citizenship is linked to the right to vote—a logical starting point partly because the right to vote is still the major privilege tied to citizenship and partly because it acts as a limiting case. Countries that grant voting rights to aliens will grant almost anything.

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### The rights of non-citizens

When it comes to voting, the exclusivity of citizenship has waxed and waned over time. Revolutionary France, for example, used to allow non-citizens to vote, as did many US states in the eighteenth and nineteenth centuries. On the other hand, suffrage in those days was restricted by sex and colour, and often by property qualifications as well.<sup>4</sup> It's worth remembering, as Elizabeth Cohen says, that 'throughout history, native-born residents have composed some of the largest classes excluded from full citizenship.'<sup>5</sup> (This is still of course an important and contentious issue in the case of children.)

Those restrictions fell out of favour in the twentieth century. Apart from children, the classes of citizens now deprived of the vote in developed democracies are small. At the same time, voting rights for non-citizens largely disappeared: the status of citizenship was used more as the gatekeeper to keep out those who might previously have fallen foul of racial or property-based restrictions. But large-scale immigration was confined to the 'new world' countries, and immigration was mostly a one-way street. People moved because they intended to become citizens in their new country as soon as possible, and since those countries were based on immigration, gaining citizenship was generally a straightforward process. Few immigrants ever returned to their countries of origin, and in the 'old world' people's political connection was still overwhelmingly

with the community into which they were born.

Within the last half-century, however, that stability has broken down. Immigration has become a worldwide phenomenon (not all of it voluntary), with countries that once exported their surplus population now themselves becoming net receivers of population. More significantly, technological progress and economic growth have resulted in huge increases in mobility, so that immigration is no longer an all-or-nothing choice. Moving to live in another country can now be a matter of a few years at a time rather than for life, and many remain simultaneously connected with more than one community.

The gradual spread of international cooperation and economic integration has also weakened the barriers that kept people within neatly defined national categories. The old rationales for national loyalty have weakened; governments in the Western world at least have much less reason to worry about their residents holding 'allegiance to a foreign power.' Within the European Union, border controls have largely disappeared, economic zones now sprawl across frontiers, and it has become common for people to live in one country and work in another. In that context, 'citizenship' looks more and more like an anachronism; as Rainer Bauböck puts it, 'the traditional conception of citizenship as a singular membership in a sovereign national polity is gradually eroding under the impact of geographical mobility and regional integration.'<sup>6</sup>

One of the effects of these changes has been the increasing prevalence and formalisation of an intermediate category between citizenship and non-citizenship. Instead of a sharp divide between citizens and everyone else, most countries explicitly recognise the existence of what Tomas Hammar calls 'denizens': 'persons who are foreign citizens with a legal and permanent resident status.'<sup>7</sup> They are immigrants in the sense that they are living in a new country and have a legal right to remain there either indefinitely or for a long period, as distinct from tourists and other temporary entrants. But although they may be eligible to take out citizenship, many choose not to,

preferring to retain a connection with their country of origin and perhaps intending one day to return there. (The usual Australian term for them is ‘permanent residents,’ so I shall generally refer to them that way.)

This status too has classical origins; ancient Athens recognised a class known as *metics*, immigrants or their descendants, who participated in the economic and social life of the community (they paid taxes, performed compulsory military service, and had access to the courts) but lacked the political rights that characterised citizenship. For its time, this was a relatively progressive category—Athens was proud of the way it attracted foreigners to come and make their homes there—but the metics were discriminated against in a variety of ways. In particular, they were barred from political participation and acquisition of citizenship was rare and difficult. (Allowing for the change of era, the place of metics was not unlike that of foreign guest workers in post-War West Germany.)

Today’s situation is very different. Progress has been by no means uniform, but the last few decades have seen a wide range of rights and benefits extended to permanent residents. Across most of the developed world, there is little practical difference between being a citizen and a permanent resident; permanent residents remain liable to deportation if they offend seriously against a country’s laws, but otherwise can count on a reasonably full set of rights and benefits. Officially sanctioned economic discrimination against them is largely a thing of the past. Political participation, however, is still mostly reserved for citizens.

Yet even that is changing. Surveying the field in 2003, David Earnest found ‘twenty-two states in which resident aliens have at least some voting rights,’ and acknowledged that he may have missed some.<sup>8</sup> Many of these cases are limited; in the European Union, for example, the 1992 Maastricht Treaty requires members to give voting rights in local elections to all EU citizens who meet residency requirements. Others, however, are much more liberal—such as New Zealand, which allows its permanent residents to vote in both local and national

elections.<sup>9</sup> Even a restricted franchise builds pressure for extensions as people become impatient with its inconsistencies.<sup>10</sup> Christian Joppke says that the logic of the way rights for permanent residents are developing ‘is to approximate immigrant to citizenship status, and to remove discrimination on the basis of one’s immigrant status.’<sup>11</sup> And while Peter Mares and Brian Costar are no doubt correct to say ‘There is no evidence ... of any enthusiasm among legislators’ in Australia for such an extension, it is reasonable to think the debate will reach here if the overseas trend continues.<sup>12</sup>

Until very recently, the literature on permanent residents mostly assumed that citizenship was the normal path to political rights, and that giving political rights to permanent residents was a second-best solution adopted by countries that were unwilling to admit certain classes of immigrants to full citizenship. The main challenge for immigrants was to get on the road to citizenship, which would bring with it political and other rights.<sup>13</sup> But the move with voting rights signals a significant change: permanent residents are coming to be seen more and more as a class deserving consideration in their own right, regardless of whether they are actively seeking or being offered citizenship.

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### Dual citizenship

How should one respond to this development? Are voting rights for non-citizen permanent residents a natural and sensible extension of democracy? One approach to this question is to look at the relationship between the status of permanent residents and another recent development, the widespread extension and acceptance of dual citizenship.

In the classical model of citizenship, dual citizenship was rare and anomalous. Citizenship was inherited from your father; on the rare occasions it changed, it meant giving up your ancestral citizenship to acquire a new

citizenship in the polity to which you (or more likely your parents or grandparents) had moved. This view was embodied in the Council of Europe convention of 1963 on the reduction of cases of multiple nationality, which provided that citizens of one country who acquired by an act of choice the citizenship of another should automatically lose their first citizenship.<sup>14</sup> Citizenship law in Australia and the United States followed the same pattern.

### Nations are no longer obliged to avoid dual citizenship.

But the move away from that view has been dramatic. Many countries never ratified the 1963 convention, and most of those that did either subsequently pulled out or qualified their participation. Supplementary protocols in 1977 and 1993 watered down the convention's provisions, and it was superseded by the 1997 European Convention on Nationality, whose terms are much more liberal.<sup>15</sup> Nations are no longer obliged to avoid dual citizenship; in fact, signatories are required to permit it in certain cases. Australia followed suit in 2002 and as a rule now allows dual citizenship, as does the United States.

Two specific developments have driven this change: first, the increasingly egalitarian nature of marriage, with rights and obligations now transmitted equally from both parents instead of primarily from the father, and second, the gradual disappearance of compulsory military service, the obligation that created the most intractable problems for dual citizens (and which the 1963 convention was particularly designed to address). But there has also been a more general shift in opinion. Mass immigration has habituated many countries to the idea of multiculturalism—that citizens need not abandon the culture of their forebears but can enjoy a mix of cultures within a single nation. As Stephen Castles and Alastair Davidson (somewhat idealistically) describe Australia, 'A newcomer need only participate in the civil and political life of the state, and thus forge a unity—a political community—that is

the extent of the belonging required. A transfer of cultural attachments is no longer required.'<sup>16</sup> In that context, demanding that one citizenship be given up before acquiring another has come to just seem unreasonable.

On one view, the ready availability of dual citizenship undercuts the argument for political rights for permanent residents. It's usually thought that the main reason why eligible permanent residents would fail to take up offers of citizenship is their desire to remain connected to their home countries; not to have to give up their first citizenship and its associated benefits. But once the need to relinquish one citizenship in order to gain another disappears, that rationale is no longer available; therefore, so the argument goes, permanent residents who still fail to become citizens must lack commitment to their new country, so it would be unnecessary and perhaps even dangerous to grant them political rights.

The problem with this argument is that the reasons offered against political rights for non-citizens seem to work equally well as arguments against dual citizenship in the first place. If an immigrant is unwilling to relinquish their citizenship of one country, surely that also demonstrates a lack of commitment to the second country? Why should immigrants be able to have two bites at the cherry and retain the option of political participation in two (or more) countries when the rest of us have to be content with just one?

In other words, there's an obvious tension involved in saying that citizenship is so uniquely important that it should be an absolute requirement for voting rights, but at the same time it can be promiscuously given out without requiring anyone to forsake their other allegiances. And of course critics of dual citizenship make exactly that point. Marine Le Pen, leader of the far-right National Front in France, recently argued that 'one assimilates more easily in a nation when one has made the effort to renounce the nationality of one's first country,' remarking acridly that this was 'incomprehensible perhaps for the globalised elite.'<sup>17</sup> But restrictions can easily be counter-productive. As Hammar says, 'a stubborn

insistence [on only one citizenship] might even have undesirable effects, since it leads to a low rate of naturalisation and therefore a prolongation of large foreign populations.<sup>18</sup>

### Two residences, two votes?

For comparison, consider voting at the sub-national level, such as state elections in Australia. About 10 years ago, I shared my time for a year between Melbourne and Sydney, maintaining a home in each. Taken in isolation, either would have been a substantial enough connection to support an electoral enrolment there. But the conjunction of the two was not: not only is it impossible for one person to enrol twice on the Australian federal electoral roll (and fair enough too) but because the rolls are maintained jointly by the states and the Commonwealth, it is also impossible to be simultaneously enrolled in two different states, even for state elections. You have to choose one (not surprisingly, I chose Victoria).

If, however, I had been commuting not between Melbourne and Sydney but between Melbourne and Auckland, the situation would have been quite different. Once I had qualified for residency in New Zealand, I could have enrolled to vote there and kept my enrolment in Australia, thereby retaining a say in the government of both places where I was living. That may or may not be a desirable outcome, but it's hard to see why being able to vote in both Australian and NZ elections is fair and democratic but being able to vote in both Victorian and NSW elections is not. (Europe has similar anomalies: an EU citizen can vote in British and French municipal elections but not in two different French municipalities.)

Not everyone accepts that this is a problem; Alexander Aleinikoff and Douglas Klusmeyer argue that 'As a conceptual matter, however, the principle of one person/one vote is not violated if a person casts two votes in elections in two independent states.'<sup>19</sup> That may be a fair comment if nations were totally disconnected entities that rarely interacted—but of course if that were the case, the problem of dual citizenship would be unlikely to arise. In reality, we live in a globalised world where the actions

of country A have numerous potential effects on conditions in country B, and someone who has two votes has, taking the world as a whole, twice the influence on affairs of someone who has only one.

(Contrast this with the case of political donations, highlighted recently by Andrew Norton.<sup>20</sup> Even if there are valid reasons for restricting donations from non-citizens, the reasoning is importantly different from that relating to voting. Once spent, a dollar of campaign contributions is gone: unlike a vote, it cannot be used multiple times in different places. Allowing an individual to spend their available funds on elections or campaigns in different countries does not, in itself, give them more influence than if they were obliged to spend it in one country; it merely spreads the same resources more thinly.)

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In practice, the effects of any additional influence are mitigated by the difficulty people have in maintaining or exercising their eligibility to vote in their country of citizenship once it is no longer their usual place of residence. Not all countries have easily accessible postal voting, and even some that do (such as Australia) make it hard for expatriates to stay enrolled.<sup>21</sup> But this is a highly unsatisfactory solution for two reasons. First, it adds a new layer of arbitrariness; the difficulties will be much greater in some circumstances than in others, for reasons that have nothing to do with the desirability or otherwise of a person being able to exercise more than one vote. Second, the obstacles to voting also catch many expatriates who have no voting rights where they are living—either because they have not qualified for permanent residency or because they are in a country where permanent residents lack voting rights (and perhaps not in a democracy at all)—and therefore deprive them of any suffrage.

## Solutions

To sum up, two problems have been identified in relation to the status of immigrants in today's democratic world:

- 1) There is a large and increasing class of people who as permanent residents enjoy most of the same rights as citizens of the country in which they live but who are denied some or all political rights, often on an apparently arbitrary basis.
- 2) Globally, a small (but also increasing) number of people are able to exercise more than one vote, either through dual citizenship or through being given some political rights as permanent residents while retaining the rights of citizenship in another country; these privileges also are allocated quite arbitrarily.

Attempts to address the first problem by extending the political rights of permanent residents have made the second problem worse; nor, as the case of political donations shows, have those attempts been all in one direction. Is there a way out of this dilemma?

It may be time to rethink the whole idea of citizenship.

An obvious possible solution would be to try to reverse both the trend towards dual citizenship and the extension of political rights to permanent residents, but couple this with a determined effort to assimilate permanent residency and citizenship in all other respects. In effect, immigrants would have full substantive equality with the native born; citizenship would have no significance except when it came to political rights, and choosing whether or not to take out citizenship would simply be a matter of choosing in which community one wished to exercise political rights.

But that 'in effect' in the last sentence conceals what is almost surely an insuperable problem. As long as citizenship exists as a formal status, it will never be possible to

reduce it to a choice of 'where do I prefer to vote?' in the way that Australians who own two houses might now debate which electorate to enrol in. The concept carries two and a half millennia of emotional freight; while some can evidently put citizenship on and off with ease, they are likely to remain a small minority. Most immigrants will choose or change citizenship only as part of a choice about how they see themselves and where they want to 'belong,' a decision in which the right to vote is a minor consideration. As Douglas Klusmeyer puts it, 'Even when understood as solely a formal category of law, citizenship can also be a potent source and marker of social identity.'<sup>22</sup>

Assuming that mass mobility is here to stay, and that a large number of people will continue to have substantive ties to multiple locations, it may be time to rethink the whole idea of citizenship. The moves that have already been made to decouple voting rights from citizenship have not had any obvious ill effects—New Zealand does not seem to have been taken hostage by foreign powers as a result—and could be extended more widely. Preventing people from voting twice could then become a matter of asking them to choose not between different citizenships, but merely between different enrolments: a matter of administration rather than allegiance. We already have a set of international agreements and other arrangements, for example, to prevent people from doubling up on welfare benefits from different countries. Supporters of globalisation could profitably work towards a treaty that would do the same for voting.

In the case of rights that do not pose the same risk of doubling up, such as the right to make political donations, there is no reason to distinguish at all between citizens and permanent residents. Whether people choose to concentrate their campaigning resources in one country or spread them across two or more should be a matter of global indifference; ditto for owning land, carrying on a business or a profession, entering freely without a visa, and many other activities that are currently restricted. There may be good reasons for countries to confine these things to those who have the sort of long-term

connection denoted by permanent residency (although we should be sceptical of that too), but there is no need to tie them to citizenship. To do so would 'undermine the normative principles on which relatively egalitarian and democratic states are based.'<sup>23</sup>

What, then, becomes of citizenship? The idea of belonging in only one place is obsolete; we can be members of many communities, not all of them geographical. Those connections are more likely to be impeded than facilitated by the arbitrary rules of governments. Nor does

anyone seriously think that our modern communities depend for their survival on the availability of mass infantry to fight for them, yet that obsolete picture still drives the notion of 'allegiance' that is the residual content of citizenship. And no doubt it will survive for some time to come, for many lingering practical reasons as well as general inertia. But if the march of globalisation and democratisation continues, and the barriers that divide us keep falling, then citizenship itself may wither on the vine.

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## Endnotes

- 1 Elizabeth F. Cohen, *Semi-Citizenship in Democratic Politics* (Cambridge: Cambridge University Press, 2009), 2.
- 2 Philip Brook Manville, *The Origins of Citizenship in Ancient Athens* (Princeton: Princeton University Press, 1990).
- 3 See United Nations, *Convention on the Reduction of Statelessness* (1961).
- 4 Jamin Raskin, 'Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,' *University of Pennsylvania Law Review* 141 (April 1993), 1391–1470.
- 5 Elizabeth F. Cohen, as above, 53.
- 6 Rainer Bauböck, 'Dual and Supranational Citizenship: Limits to Transnationalism,' in Alexander Aleinikoff and Douglas Klusmeyer (eds.), *Citizenship Today: Global Perspectives and Practices* (Washington, DC: Carnegie Endowment for International Peace, 2001), 305.
- 7 Tomas Hammar, *Democracy and the Nation-State: Aliens, Denizens, and Citizenship in a World of International Migration* (Aldershot, United Kingdom: Avebury, 1990), 15.
- 8 David Earnest, 'Noncitizen Voting Rights: A Survey of an Emerging Democratic Norm,' paper presented at the annual meeting of the American Political Science Association (Philadelphia: 27 August 2003). Earnest's subsequent statistical analysis of the cases ('Voting Rights for Resident Aliens: A Comparison of 25 Democracies,' paper presented at the annual meeting of the Northeastern Political Science Association (Philadelphia: 6 November 2003)) fails to turn up any very convincing explanations for why some countries have taken this step but not others, but that itself is perhaps a significant result.
- 9 Elections New Zealand, 'Who can enrol?'
- 10 This is a controversial topic in France, for example, where part-time residents from Britain can vote in municipal elections, but long-term immigrants from North Africa cannot. See 'Election municipale March 2008.'
- 11 Christian Joppke, 'The evolution of alien rights in the United States, Germany, and the European Union,' in Alexander Aleinikoff and Douglas Klusmeyer (eds.), *Citizenship Today: Global Perspectives and Practices* (Washington, DC: Carnegie Endowment for International Peace, 2001), 36.
- 12 Peter Mares and Brian Costar, 'The Voting Rights of Non-Resident Citizens and Non-Citizen Residents,' in Joo-Cheong Tham, Brian Costar, and Graeme Orr (eds.) *Electoral Democracy: Australian Prospects* (Melbourne: Melbourne University Press, 2011), 11.
- 13 Zig Layton-Henry, 'The Challenge of Political Rights,' in his *The Political Rights of Migrant Workers in Western Europe* (London: Sage Publications, 1990), 1–26.
- 14 <http://conventions.coe.int/Treaty/EN/Treaties/HTML/043.htm> (retrieved 12 July 2011)
- 15 <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm> (retrieved 17 July 2011)
- 16 Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000), 168.
- 17 Marine Le Pen, 'La double nationalité heurte la majorité des Français' ['Dual nationality offends the majority of French people'] *Le Monde* (16 July 2011).
- 18 Tomas Hammar, as above, 106–107.
- 19 Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, DC: Carnegie Endowment for International Peace, 2002), 31.
- 20 Andrew Norton, *Democracy and Money: The Dangers of Campaign Finance Reform*, Policy Monograph 119 (Sydney: The Centre for Independent Studies, 2011), 7–9. The attempt to exclude foreigners from political involvement is not unusual, but most such provisions do not catch permanent residents: the United States, for example, has a sweeping prohibition on campaign donations by 'foreign nationals,' but the expression does not include permanent residents (see US Federal Election Commission, 'Foreign Nationals').
- 21 Peter Mares and Brian Costar, as above, 4–8.
- 22 Douglas Klusmeyer, 'Introduction,' in Alexander Aleinikoff and Douglas Klusmeyer (eds.), *Citizenship Today: Global Perspectives and Practices* (Washington, DC: Carnegie Endowment for International Peace, 2001), 14.
- 23 Dora Kostakopoulou, *The Future Governance of Citizenship* (Cambridge: Cambridge University Press, 2008), 196.