Introduction: realignments of citizenship: reassessing rights in the age of plural memberships and multi-level governance

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To cite this Article Bauböck, Rainer and Guiraudon, Virginie(2009) 'Introduction: realignments of citizenship: reassessing rights in the age of plural memberships and multi-level governance', Citizenship Studies, 13: 5, 439 — 450

To link to this Article DOI: 10.1080/13621020903174613

URL: http://dx.doi.org/10.1080/13621020903174613
Introduction: realignments of citizenship: reassessing rights in the age of plural memberships and multi-level governance

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(Received 23 June 2009; final version received 2 July 2009)

The contributions to this special issue of Citizenship Studies generally understand citizenship as referring to a status of equal membership in bounded political communities. This introduction sketches three realignments of citizenship that challenge the common equation between the community of citizens and territorial populations of independent states. First, the imagined co-extensionality of state, nation and people is increasingly challenged by processes of migration and globalization. However, as proposed in Chwaszcza’s contribution to this issue, the unity of the political people may still be needed as a necessary fiction in order to ensure the diachronic continuity of a democratic polity. Second, as discussed in Bauböck’s and Keating’s contributions, the territorial boundaries of citizenship are no longer identical with those of states for two reasons. External citizens can claim status and rights from outside the territory and territorial devolution has created new spaces for sub-state models of social citizenship. De Witte’s and Guiraudon’s contributions, finally, discuss the tension between norms of equality derived from principles of citizenship and non-discrimination respectively. As we argue in this introduction, the European anti-discrimination legislation has produced complex realignments of the boundary between negative and positive conceptions of liberty and universal and particularistic norms of equality.

Keywords: history of citizenship ideas; unity of state and people; territorial differentiation of citizenship; differentiated equality; citizenship and non-discrimination

Citizenship is generally understood as a status of equal membership within a bounded polity. Since the re-emergence of citizenship as a core concept of social and political theory in the late 1980s, both adjectives in this definition have become challenged through new political developments. While earlier generations of citizenship theorists still operated with models of closed national societies, the focus of present debates is often on boundary transgressing phenomena – such as migration – and on multilevel citizenship that combines sub-state with supranational modes of membership and rights. Debates about gender, race and ethnicity have simultaneously triggered moves towards more complex notions of equality that argue for group-differentiated rights in order to better approximate norms of equal opportunities or respect for all citizens.

These current realignments of citizenship pose theoretical challenges that are best tackled from a deliberately trans-disciplinary, comparative and diachronic perspective. There is clearly a need to confront the contemporary challenges examined by political

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scientists with past debates recorded in the history of political thought, and to enrich theoretical reflections with comparative empirical research. We focus mainly on the European Union, which has become a laboratory for differentiated citizenship, a place where one can study

(1) the interplay between supranational political integration and devolution in plurinational democracies;

(2) the rearticulation of external boundaries of membership in an emerging migration regime that combines free movement for EU citizens with immigration control and integration policies for third country nationals; and

(3) attempts to enhance and transform national conceptions of minority rights with shared European standards of protection against discrimination.

In this introduction, we discuss three different ways in which the papers collected in this issue contribute to contemporary debates on citizenship. First, we start with the most general theoretical question about the relation between citizenship, political community and the modern state. Citizenship as a status of membership in a bounded polity presupposes that there is some unity among the people sharing this status. But is this unity of the people based on a pre-political fact of nationhood, is it a necessary political fiction, or is it an automatic by-product of the territorial legal order created by modern states? This question has been addressed and answered quite differently in various traditions of political thought. The response we choose has practical importance as it will also determine the conditions for maintaining such unity when polities are faced with migration flows across their borders.

Second, we turn to the territorial dimension of citizenship. Most theories assume that citizenship is a relationship between individuals and political authorities inside an undifferentiated state territory. Yet a closer look reveals that the territorial borders of states generally do not coincide with the boundaries of citizenship. As a legal status and bundle of rights, citizenship can be carried abroad and exercised from outside. Moreover, the territories of all but the smallest states are subdivided into distinct jurisdictions that enjoy various degrees of administrative or political autonomy. Citizenship in compound polities, with a strong territorial differentiation of citizenship rights and duties, requires a more complex conception of equality that departs from the common implicit assumption of a unitary political order.

Third, we address the tension between universal and particularistic aspects of citizenship (Benhabib 2004) by examining how the recent strengthening of a universal principle of non-discrimination in EU law has impacted on the bounded equality of citizenship within member states. This development illustrates the limited capacity of citizenship alone to ensure equal treatment among members of the polity. EU laws now also prohibit biases in apparently neutral laws (indirect discrimination) and call upon individuals to change practices that may have unintended discriminatory effects. They thus complement a concept of citizenship rights limited to formal entitlements of formal members that may result in structural inequalities and perceived injustice among significant minorities.

We conclude by highlighting the ways in which new empirical developments may question the traditional tenets of citizenship and yet, in the end, reinforce the importance of its core elements: the legitimacy of the political unit bestowing rights, which requires the political participation and equal treatment of its members.
I. Citizenship unbound: questioning the empirical and normative necessity of the unity of the political community

This special issue starts with a broader reflection on the historical and theoretical underpinnings of the doxa that modern citizenship is necessarily wedded to the nation-state. In this compound noun, the nation stands for a community of people and the state for a territorial legal order.

For nearly two decades, both social theorists and empirical sociologists have attempted to debunk the doxa and announce the rise of transnational or postnational citizenship. In the early 1990s, scholars studying the legal status of migrants were among the first to point out that citizenship has either been increasingly detached from the nation-state or involves at least more than one nation-state (Brubaker 1989, Bauböck 1994, Soysal 1994). An important impetus came from anthropologists and sociologists, who documented the political consequences of transnational lives (Basch et al. 1994, Levitt 2001). Social theorists fascinated by the buzz word of the decade, ‘globalisation,’ followed suit – starting with Habermas’ early reflections on the continuum between national and world citizenship on the concluding pages of Between facts and norms (Habermas 1986) that prepare the ground for his later invocations of a ‘postnational constellation’ (2001), via Held’s and Archibugi’s institutional designs for cosmopolitan democracy (Archibugi and Held 1995) to Urry’s ‘citizenship of flows’ (1999) and Beck’s call for ‘a cosmopolitan imagination’ to understand power and politics beyond the nation-state (2002). With so many voices singing in unison, there is a suspicion that social theorists have been too easily seduced by the Zeitgeist and have exaggerated the novelty of contemporary developments. To do so, one must ignore older currents of cosmopolitan thought, from the Greek and Roman Stoic philosophers (Nussbaum 2000) to the Enlightenment thinkers, and overemphasise the importance of the ‘national’ in the citizenship literature.

This may be why T.H. Marshall is so profusely quoted as the founding father of citizenship theory in the second half of the twentieth century (see Turner 1990). As Michael Mann argued more than 20 years ago (Mann 1987) and as John Crowley has shown in an article published in this journal on the ‘national’ in T.H. Marshall and its relevance for post-national musings, Marshall’s conception of citizenship is deeply rooted in a historical and geographical context (Crowley 1998). Marshall is not different in this respect from today’s globalisation thinkers. When he describes the ‘social heritage’ of citizens and their rights, he has England in mind rather than all of the British Isles, let alone the British Empire or other countries. The social history behind modern citizenship is still very much with us today, although it has been criticised by gender or ethnic studies scholars for its focus on the enfranchisement of the male white working class. These accounts that link societal and political processes in a functionalist, structuralist, or neo-Marxist manner (e.g. Soboul 1948, Marshall 1949/1965, Bendix 1964, Tilly 1996) are indeed ‘statist’ and focus on bounded societies.

To move beyond the 1990s debates, we thus need to ask whether national citizenship is a theoretical limitation that one has to overcome or an empirical research object that mostly serves as a historical reference point. A pragmatic reconciliation of theory and empirics is needed here. This would help theorists to apprehend current developments while remaining fully aware of the empirical contingencies that inform all citizenship theories, including the often-quoted ‘classics’. Additionally, such a pragmatic attitude would inform philosophers about ongoing debates on the validity or mere plausibility of key accounts of the advent of modern citizenship. This epistemological problem requires re-reading texts with an eye for context while also acknowledging the necessarily
a sociological use of sociological concepts in philosophy such as ‘the people’ and the recourse to a historical notions of history such as the philosophical construction of a state of nature. Once these notions are detached from any empirical diagnostic, one can then better comprehend how they are used and why they are useful in reasoning about citizenship.

To comprehend the origin and role of the citizenship doxa in political thought, we need in any case to go back before the rise of the liberal democratic nation-state. Contemporary citizenship scholars are the heirs of this intellectual history and in some sense its prisoners. Political theorist Christine Chwaszcza interrogates in her contribution in this issue a powerful fiction or convention in democratic theory and liberal thought: the ‘unity of the people’, which is generally based on what she calls ‘the co-extensionality thesis’, i.e. the assumption that ‘the state and the set of normatively relevant legal subjects are co-extensive with the individuals who constitute the people’ (2009, p. 454): one legal order – one territory – one people. To go beyond this convention, one first needs to understand its attraction and pervasiveness and to retrieve the normative kernel of truth that needs to be preserved when analysing empirical developments that challenge the ‘co-extensionality thesis’, such as the multiple and multi-level citizenships discussed in Bauböck’s and Keating’s contributions. After deconstructing nationalist doctrines about a pre-political unity of the people as a community of shared culture, history or descent, the unity of the people is still needed as a necessary fiction in democracy to insure diachronic political continuity in the collective performance of democratic procedures and participation in political decision make. Whoever may ‘lose’ in a decision performed according to democratic procedures may win at a later point if there is some continuity over time among those who make the decisions and those who are affected by the decisions.

For Chwaszcza, this implies is that it is ultimately the citizens and their representatives who decide whom to include in the ‘people’, but these membership decisions should take into account the situation of residing non-members who are affected by democratic decisions. In this respect, her approach concurs to some extent with the interpretation of ‘stakeholdership’ proposed by Rainer Bauböck in his discussion of external citizenship. Chwaszcza’s argument about the necessary continuity of the people could be taken further by considering it also as a justification for the principle of birthright acquisition of citizenship through *jus sanguinis* or *jus soli*. From a global justice perspective, some political theorists have criticised the ‘birthright lottery’ (Shachar 2009), which assigns to individuals a ‘quasi-feudal’ status that determines to a great extent their opportunities (Carens 1992). However, if a democratic people must secure its continuity not merely across political decisions but also across generations, then this provides a prima facie justification for allocating citizenship at birth. Addressing distributive consequences of birthright citizenship remains then on the agenda as a separate problem for global justice.

II. The territorial dimension of citizenship and its salience for normative debates

Conceptual models of citizenship theories often distinguish a vertical relation between individual citizens and political authorities – in which governments exercise power over citizens but receive a mandate through democratic representation and are accountable to citizens – from a horizontal dimension in which citizens relate to each other as bearers of equal rights and duties and rely on each other in their expectations of solidarity among equals. This two-dimensional model of citizenship is generally painted on an empty canvas (the state territory) whose edges are fortified by a frame (the state borders).
Just as the frame of a painting, the external borders of a territory are perceived as marking the edges where the relation between the citizen and her government ends and the different world of international relations between sovereign states begins (Kratochwil 1995). In his contribution, however, Bauböck argues that this is a misleading view. Migration cuts across the distinction between domestic and international politics by importing foreign nationals into the state territory and exporting national citizens into another sovereign’s territory. The necessary continuity of the people emphasised in Chwaszcza’s contribution explains why citizenship status has a sticky quality and does not automatically change with a relocation of residence. Migration causes therefore citizenship spillovers across international borders. Most normative theories address only the immigration side of this phenomenon and consider migrants as if they were involved in an exclusive vertical relation with the political institutions of their country of destination and settlement. Even legal scholars sympathetic to a transnational perspective on migration, such as Linda Bosniak, still use the term ‘non-citizens’ when discussing the legal status of aliens in American law (Bosniak 2006). Yet very few migrants are stateless persons. Most are at the same time external citizens of a country of origin and temporary residents, denizens or full (dual) citizens of a destination country.

Migration between democratic polities duplicates thus the vertical and horizontal dimensions of citizenship, but the emerging configuration is a highly asymmetric and unstable one. It is asymmetric on the vertical dimension because the powers of the governments involved and the rights and duties of internal and external citizens are very different, and it is asymmetric on the horizontal dimension because norms of equality and relations of solidarity between aliens and citizens who share a daily experience of subjection to the same political authority cannot support equality between domestic citizens and citizens abroad. The configuration is also unstable because migrants change their citizenship relations with their countries of origin and destination over time when they become permanent residents or naturalised citizens, or when they return to a source country, and these relations will again change across generations as their children’s legal and political ties to the countries involved will differ from those of their parents. Migrants’ multiplicity and constant realignment of citizenship ties creates a formidable challenge for rearticulating the norm of equality among citizens. In his contribution, Bauböck attempts to counterbalance the common bias towards the context of immigration by examining migrants’ external relations to countries of origin. A broader theory of differentiated equality in transnational citizenship constellations that combines the immigration and emigration perspectives still needs to be developed.

Just as we need to look beyond the frame of state borders to get a fuller picture of citizenship realignments in migration contexts, we also need to take a closer look at the inside of the state territory, where we will discover that the canvas on which citizenship models are painted is also structured by internal borders that differentiate citizenship. This is the topic of Michael Keating’s contribution, which shows that Marshallian social citizenship is not merely articulated at the nation-state level, but is shaped through a multi-level dynamic relation between central government institutions and autonomous regional and local ones. Most theorists of social citizenship and justice conveniently take the internal homogeneity of the state territory for granted, whereas T.H. Marshall himself considered it as the historical result of a dual transformation. In a little-noted passage in his essay, he describes the emergence of modern citizenship as a double process of fusion and separation: ‘The fusion was geographical, the separation functional’ (Marshall 1949/1965, p. 65). In earlier periods of English history, the civil, political and social elements had all been merged in institutions of local self-government. The industrial and democratic
revolutions disempowered local communities and historic provinces with their manifold special privileges. They uprooted peasants and transformed them into a mobile workforce for a national capitalist economy and established citizenship at the national level of government through the institutions of independent courts, representative parliaments and the bureaucracies administering the public services of the capitalist welfare state.

Yet Marshall’s geographic fusion of citizenship was never fully completed, even in centralised and unitary France, and in many cases (including late twentieth century France) it has been partially reversed through territorial devolution that has created several nested layers of local, regional and state-wide jurisdictions. Moreover, in contemporary Europe we witness an unprecedented process of geographic integration at the supranational level that looks much more like a stitching together of a patchwork of distinct citizenship regimes than a fusion into a homogeneous political space. These double processes of devolution inside national territories and of supranational integration multiply the sources of political authority that grant rights and imposes duties on citizens. In these complex citizenship spaces, the vertical dimension of relations between individuals and governments is realigned as citizens move across jurisdictional borders. Citizenship of the European Union is at its core a right of free movement and non-discrimination on grounds of nationality for citizens of a member state in relation to all the other member states.

Supranational integration in the European Union and territorial devolution in several of its member states create nested constellations of citizenship. Unlike the overlapping constellations that emerge from migration between independent states, such nested constellations are vertically integrated through the supremacy of higher levels of legal and political decision-making and horizontally integrated through free movement rights of citizens. Yet such political and legal integration of distinct political territories does not lead to homogeneity of citizenship. Marshall’s civil, political and social rights are no longer merely functionally but also geographically differentiated. Michael Keating’s contribution focuses on the regional differentiation of social citizenship. Welfare provisions are increasingly delivered at the local level but become also an essential element in regionalist projects. Keating rejects the statist prejudice that political devolution and economic competition between autonomous regions triggers a race to the bottom with regard to social citizenship. As in the context of international migration, increasing complexity of citizenship constellations implies a higher degree of differentiation but not necessarily weaker standards of equality. On the contrary, the multiplicity of layers of citizenship provides new opportunities for wider inclusion and experimentation with social programmes that are difficult to realise at the state level.

While social rights are to a significant degree local, civil rights are instead increasingly guaranteed at the supranational level through global and European instruments. Political rights have also been multiplied across levels and to a certain degree transnationalised through the enfranchisement of EU citizens residing in other member states in local and European Parliament elections and the extension of local voting rights to third country nationals in 12 EU countries. Duties are an exception to this expansive trend, since supranational duties remain a theoretical aspiration rather than a legal reality (see Urry 1999). However, T.H. Marshall had already noted ‘the marked shift of emphasis from duties to rights’ (Marshall 1949/1965, p. 77) as a hallmark of liberal citizenship that undermines classic republican conceptions.

Expansion of citizenship rights across territorial units and legal statuses does not necessarily lead to uniformity. Provisions of social citizenship are highly differentiated between and within states, but tend to include long-term third country nationals. This
is partly an effect of an EU agenda to approximate the legal status of this group to that of EU citizens. This was first stated as a goal at the October 1999 Tampere EU Council and then gradually translated (and watered down) into a series of directives, one of which regulates the status and rights of this group in a way that could be seen as an incipient form of EU denizenship (Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents).

Civil rights have, to a large extent, become a matter of international human rights conventions, and could therefore be seen as more uniform. But those basic civil rights that specifically concern migrants – the right to permanent residence, to return from abroad, and to bring in family members – remain conditional for third country nationals and also strongly unequal, since many European states privilege large groups of co-ethnics with regard to territorial admission and access to citizenship status (Joppke 2005).

Political rights, finally, are differentiated according to both an individual’s nationality and country of residence. We can illustrate this with a story. Consider a Turkish family that migrated to the EU in the 1980s and whose siblings have settled in France, Austria and Denmark. Today, the immigrant in France is very likely a naturalised French (and therefore also an EU) citizen who can move to Austria to live with his brother at any time. He would then be entitled to vote in Austrian local elections as well European ones, while his long-term resident brother would remain excluded from both. The sister living in Denmark could vote as a third country resident in local elections, but not in European ones, and, as her brother in Austria, she would face many obstacles that discourage her from acquiring the national franchise through naturalisation.

For immigrants from countries outside Europe, access to full citizenship still means individual naturalisation in a member state under conditions that vary dramatically across these states. For the former subjects of the communist regimes in Central and Eastern Europe, however, upgrading of their citizenship status was a collective process achieved through accession to the EU. On 1 May 2004, migrant workers from the three Baltic states, Poland, the Czech Republic, Slovakia, Hungary and Slovenia, whose legal status had quite often been irregular, were suddenly transformed into European citizens with rights of free movement – although not yet with full access to legal employment in a number of member states that had imposed a transition period for opening their labour markets.

The latest enlargement in 2007 included Bulgarians and Romanians, who had for many years gone through the humiliating and costly procedures for acquiring short term Schengen visas (Jileva 2002). This time, however, with the single exception of Sweden, even states that had immediately opened their labour markets for accession of citizens in 2004 kept them closed for the newest citizens of Europe. Members of the Roma minority with Romanian passports have become a special concern and target in some member states. The Italian government in particular has pushed for registration procedures and enhanced powers of expulsion in an unprecedented campaign of stigmatising Union citizens. Citizenship rights in Europe have therefore become differentiated even with regard to the presumptively uniform status of EU citizens who make use of their free movement rights.

Realignments of citizenship in Europe are thus somewhat more complex than the contrast between migrants without rights and privileged EU free movers suggests (Balibar 2001). Even the young and hypermobile ‘eurostars in eurocities’ portrayed by Adrian Favell (2008) find out the hard way that Europe still consists of welfare states with different education and pension systems. Successful transnational villagers (Levitt 2001) with multiple passports zooming briskly through e-borders are still a small minority.
Many Europeans are stuck in the local, and in fact migrants’ descendants are sometimes among the socially and spatially most ‘immobile’ groups, relegated to undesirable neighbourhoods, education tracks or jobs.

III. Citizenship and non-discrimination

The increasing differentiation of citizenship statuses and rights raises new questions about what equality among members of a polity means. At the same time, the conception of equality as non-discrimination, which is a core principle of human rights legislation, has become an object of special legislation and jurisprudence at the European level. The contributions by de Witte and Guiraudon examine the transformative impact of EU anti-discrimination policy on contemporary conceptions of equality.

The two notions of equality can be contrasted in several ways: citizenship equality is premised upon particular membership, whereas non-discrimination refers to universal personhood; equality of citizenship is linked to positive conceptions of freedom as collective self-government, whereas non-discrimination norms are meant to protect the negative liberties of individuals; citizenship has been complexified by territorial differentiation and devolution, whereas the non-discrimination agenda has been shifted upwards through supranational European competencies and directives (Geddes and Guiraudon 2004). However, while the EU has been seen as the legitimate level of governance to define and dispense non-discrimination rights, implementation remains a challenge that implicates a broad range of national institutions and actors. The stakes are high, as the ambition of the law is to achieve substantive rather than formal equality.

Linking the discourses about citizenship equality and non-discrimination is not easy, since these are largely debated in separate venues as scholars working on these issues hail from different provinces of academia. One way of putting it is that labour lawyers are more likely to study discrimination than are public lawyers, sociologists more than political scientists, and North American scholars more than Europeans. In this introduction, we underline why it is fruitful to discuss non-discrimination and citizenship jointly, particularly in the current European context.

There is something almost tautological in speaking of equal citizens: if you are my fellow citizen then you must be my equal. The two nagging doubts that have kept equality on the agenda as a normative ideal rather than as a self-evident implication of citizenship are, first, why equality would only apply among formal members and, second, how formal equality of citizenship relates to actual inequality of social status and opportunities. In response to the first question, expansive liberal conceptions have supported the full inclusion of women, of racial, ethnic and religious minorities, and – most recently – denizenship or naturalisation entitlements for settled immigrants and their descendants. Such inclusion does not yet address the second question. After having been included into the body politic as equal citizens, the above-mentioned groups still experience unequal treatment and discrimination.

Two types of discrimination can be distinguished, although they can mutually reinforce one another. The first one is ‘structural’ in the sense of being built into the structures of the welfare state and other public policies. Studies have shown that women are at a disadvantage because social policies have assumed a full-time employed male breadwinner (Orloff 1993). Similarly, Michael Bommes has demonstrated that migrants are at a disadvantage because their biographies do not correspond to the welfare state ideal-type of continuous participation in the system ‘from cradle to grave’ (Bommes 2000). Ronald Lieberman’s argument that the racial divide has informed the American welfare state from the beginning (Lieberman 2001) complements Rogers Smith’s analysis on the way in which race has been
built into the civic ideals of American citizenship since the founding fathers’ era (Smith 1997). In all these cases, optimists may have T.H. Marshall’s narrative of citizenship in mind, in which political rights lead to the development of social rights as the enfranchised working class is represented in parliaments and can mobilise for protection from the welfare state. But clearly every welfare state model generates its own mechanisms of exclusion. Marshall’s optimism that through universal inclusion, social citizenship might become ‘the architect of legitimate social inequality’ (Marshall 1949/1965, p. 77) is no longer warranted. The sequence of rights extension has in any case been quite different for groups such as migrant denizens and women (Guiraudon 2000).

The second type of discrimination involves agency rather than structure alone: some individuals are treated worse than others in various contexts, when looking for a job or an apartment, as consumers of public services or when they want to join a club. How far and deep can the political order that guarantees equal rights intervene into society to remedy unequal treatment? As Bruno de Witte’s contribution shows, this remains a contested question that is mostly answered in a piecemeal way by courts, i.e. through case law rather than legislation based on clear normative principles. The persistence of discrimination exercised by both public authorities and private agents constantly threatens to undermine the promise of equality through inclusion into citizenship.

The current non-discrimination legislation in Europe has raised questions about the extent to which, while pursuing equality as a goal, the state can regulate relations between individuals in the private sphere and encroach on individual freedoms such as the right to privacy. At the same time, debates about the accommodation of identity claims in the public sphere have been re-opened under a new guise. Thus, non-discrimination law re-enacts old political theory dramas about the trade-off between equality and freedom. As Bruno de Witte’s article shows, there has been an intense controversy on this issue during the transposition of EU non-discrimination law into German law. The EU legislation covers also access to goods and services, including the provision of private housing. In these areas, individuals cannot choose freely if their choice treats certain groups differently. German legal scholars believe that this provision contradicts basic constitutional principles – in particular ‘private autonomy’, a legal synonym for negative freedom in German law. Some critics also include freedom of contract and freedom of expression among the constitutional principles potentially violated by European anti-discrimination legislation and deplore excessive state interventionism. In France, another public debate has erupted with even greater intensity concerning the measurement of discrimination and, in particular, whether survey questions may refer to the respondents’ racial or ethnic origins. As Virginie Guiraudon’s contribution explains, among the arguments against ‘ethnic monitoring’, the resurgence of a Vichy-like regime and the risks for personal data protection in a ‘big brother’ state are paramount. These German and French debates suggest that non-discrimination policy is increasingly perceived as sacrificing negative liberty, in the sense of freedom from state encroachment, on the altar of equality. There are fears about the shift in the public/private divide to the benefit of the prying state, increasingly seen in this Foucauldian sinister guise. There are also criticisms about positive action and the lack of impartiality when a state hands out favours to certain minorities.

A quick theoretical rebuttal to these critiques would be that one’s duty is someone else’s right – to paraphrase Etzioni’s communitarian credo (1993). In brief, it is a civic duty not to discriminate and to ensure that others are not discriminated against on illegitimate grounds. But instead of serving as a moral support for positive action against discrimination, the notion of civic duties is today revived with a very different goal in mind. As Christian Joppke has aptly pointed out in a recent analysis of civic integration and antidiscrimination
in three European countries, whereas non-discrimination legislation often targets the
descendants of migrants, incoming migrants are increasingly obliged to take civics and
language courses, sign ‘integration contracts’ or follow ‘citizenship paths’ (Joppke 2007).
It is their duty to integrate. The onus is put on their shoulders, whereas in non-discrimination
policies it is the receiving society that is called upon to change its ways. The countervailing
logics behind non-discrimination law and civic integration policies deserve close attention.
Integration courses and contracts oblige individuals to become economically self-sufficient
and promote cultural assimilation, whereas anti-discrimination policies have evolved
towards increasing recognition of group distinctions in an attempt to secure access to
opportunities for disadvantaged groups. According to Joppke, we thus end with a reversal of
the connotations of Thomas Hobbes’ and Isaiah Berlin’s two liberties: ‘It is now the
“negative” liberty of civic integration that is implicated with repression, as immigrants are
forced to become autonomous; and it is the “positive liberty” of antidiscrimination that has
taken on the air of enhancing freedom and fighting oppression’ (Joppke 2007, p. 270).
In the end, both negative and positive liberty seem then to have changed places twice.
First, the liberal expansion of citizenship has emphasised rights over duties and has
undermined the idea of shared collective identities among citizens, but the emphasis on
civic duties and positive conceptions of shared values and practices has recently come
back with a vengeance in the urge to define what it is that immigrants are expected to
integrate into. Second, the universalistic and negative principle of non-discrimination has
been gradually enriched with positive action measures to fight indirect and institutional
discrimination against specific groups, but these now increasingly face a backlash whipped
up by populist politicians who claim victimhood status for native majorities.

IV. Conclusions

Citizenship is a very old idea that has been rearticulated over the course of history in the
context of ancient and late medieval city states, large and expanding empires, and modern
nation-states. In contemporary Europe, the background assumption of homogenous
nation-states has been fundamentally challenged through the triple processes of
large-scale immigration, territorial devolution and supranational integration. If citizenship
is membership in a bounded polity, then the boundaries of polities in Europe have certainly
not vanished but have become increasingly overlapping, nested and blurred. What we have
called ‘realignments of citizenship’ refers both to macro level processes changing
constellations of political boundaries and to the individual level of vertical relations with
political authorities and horizontal ties among co-citizens. In our special issue we have
collected essays that examine the normative and empirical puzzles about contemporary
citizenship constellations by addressing three questions: the conceptual problem of the
unity of the people who share a common citizenship, the territorial dimension of
citizenship in contexts of migration and devolution, and the tension between citizenship
and anti-discrimination policies. All these contributions attempt to rearticulate the core
norm of equality in contexts where the boundaries of citizenship can no longer be taken for
granted. They address this question from different disciplinary perspectives and they
certainly do not add up to a coherent theory. But then, this might be a problematic
ambition anyway. A pragmatic and pluralistic stance that examines the new realignments
of citizenship from multiple angles seems to us the right attitude. As in the Greek fable
retold by Isaiah Berlin (1953), we should aim to be the fox who knows many things about
citizenship rather than the hedgehog who knows one big thing.
Notes
1. This issue of Citizenship Studies builds on contributions to a conference held at the European University Institute (EUI) on 3–4 October 2007. We thank the EUI Research Council for funding the conference. We warmly thank the discussants who greatly contributed to the project: Ronald Beiner, Philippe van Parijs, and Daniel Sabbagh.
2. Few among these theorists have embraced Bauman’s emphasis on ‘the local’ in his Liquid Modernity (2000). For a critique of the social theory of globalisation, see Favell (2001).
3. In Profiles, probabilities, and stereotypes, Frederick Schauer defines discrimination as a form of generalisation about group behavior (which can then be used to predict the behavior of individuals) that is commonly used in public policies, market and social relations (2003). Discrimination can be spurious or non-spurious; yet even if non-spurious or statistically probable, the main issue is whether it is illegitimate or immoral.

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