

# Citizenship in flux: Introduction and a conceptual approach

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## 1. Introduction

The history of this edited volume is probably different from those of others. It dates back to 2012 when some early career researchers at the University of Duisburg-Essen dared the endeavour to bring together the expertise of Political Science and Sociology to study the foundations and consequences of the erosion of traditional models of legitimacy.<sup>1</sup> Such forms of collaboration between different disciplines of social sciences are still rare – even or especially at bigger faculties like ours in Duisburg. For most of the authors and editors that have been involved, this project was an important milestone for their career and an inspiring academic experience. The outcome, the edited volume »Legitimitätspraxis« (Practices of legitimacy) published by Springer VS in 2016, has been downloaded over 11.000. (Aug. 2020) times and can be regarded as an important contribution to the scientific debate on the concept of legitimacy (Lemke et al. 2016).

Some four years later, we decided that it is time for a revival. In times of Brexit, increasing worldwide migration movements and rising nationalism (not only) in Europe, we decided to deal with the important topic of »democratic citizenship« as the current debates on this concept are obviously »in flux«. However, we opted for some changes in the concept of this edited volume: First, we deemed it beyond argument that visibility is of great importance to young academics, the main target group of our call. Thus, we decided to publish an English edited volume in Open Access (OA). OA is not only a possibility to increase visibility and readership but also a form of publication that provides open access to knowledge to everyone beyond academic paywalls.

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<sup>1</sup> For more information, see: <https://www.uni-due.de/legitimitaet/>

In other words, it contributes to the democratisation of our knowledge and findings. The next innovation concerned the publishing procedure: A double-blind peer review, meaning that every contribution is evaluated independently and anonymously by two peer reviewers, currently represents the state of the art in terms of academic quality control and is therefore widely used in the academic community. Furthermore, publishing double-blind reviewed articles represents major achievements for young scholars. However, as such a procedure is not very common for edited volumes, this volume here is one of the few that implements such a rigorous form of quality control. Finally, we decided to extend the circle of contributors beyond researchers at the University of Duisburg-Essen with the aim to stimulate academic cooperation and the exchange between young researchers from different universities.

## 2. Citizenship and democracy

Given its historical origin, the connection between citizenship and democracy is not surprising. The term citizenship was first used in ancient Greece. Since then, the meaning of citizenship was essentially contested and is in constant flux till today (Isin 2009). When Aristotle was confronted with the task of defining »citizen« at the beginning of Book III of his *Politics*, he described it as »a man who shares in the administration of judiciary and in the holding of office« (cf. Johnson 1984: 74). According to this, citizens must actively participate in judiciary and government. Therefore, it is not enough to simply enjoy the right to seek office, but citizens must actually hold it. Still, this is a very narrow conception of citizenship. Moreover, it is not an accurate description of democratic involvement in today's modern societies. Today, the possibilities for participation range from elections, participation in political parties or citizens' initiatives to joining demonstrations and political protest.

While political affiliation in the form of citizenship in ancient Greece was the exception and limited to the city-state and the able-bodied free men, nowadays it represents the norm and describes a relationship between the citizen and a nation state »in which the two are bound together by reciprocal rights and obligations« (Heywood 1994: 155). In that sense, the Aristotelian view on citizenship gives us a baseline to start from: to understand citizenship as a form of social relationship. However, as Bellamy (2008: 2) argues, citizenship is a special form of a social relationship, namely one between an individual and a state or a society. Firstly, it differs from everyday social rela-

tionships like friendships and family ties in as far as it is genuinely political. Beyond this, it also diverges from other forms of political affiliation, such as subjecthood in monarchies or dictatorships since it consists of *civil and political rights* – especially participation in the political process – which are not guaranteed in non-democracies. According to Marshall, citizenship thereby represents a »status bestowed on those who are full members of a community« with all bearers of the status being »equal with respect to the rights and duties with which the status is endowed« (Marshall 1950: 28). Although Marshall admits that there is no »universal principle that determines what those rights and duties shall be« (1950: 29), he concludes from his historical analysis in England that these rights and duties can be located in three different spheres. Individual *civil rights*, such as the freedom of the person, including freedom of speech, opinion and religion, and the right to own property, were granted by the state from the 18th century onwards. These individual civil rights were complemented by *political rights*, like the freedom of association and the right to vote in the 19th century and, eventually, by *social rights*, for example the right to economic welfare and social security in the 20th century (Turner 1986: 8).

Marshall's conception was criticised for being evolutionistic since it understands the development of citizenship rights as a historical progress towards full citizenship. Furthermore, with its focus on the process of granting a formal status and corresponding rights by the state, Marshall's theory therefore can be labelled as one-dimensional (Giddens 1982: 108). It has also been criticised for being unable to grasp the difference between passive (mere bearer of rights) and active citizen (Turner 1989; 1997) and for ignoring »second-class« citizen such as women or homosexuals (Walby 1994; Turner 2009), thereby disguising or omitting existing inequalities. Additionally, Mouffe (1992: 29) rightly argues that Marshall's definition of citizenship as »a set of rights that we hold against many others« is bound to a certain understanding of democracy, namely a liberal one. Authors from communitarian and republican traditions therefore often argued that citizenship is not only a legal status granted by the state, but also linked to an identity as citizen. This identity is thought to be bound to a set of democratic values which are quintessential for a democratic polity (Almond/Verba 1963; 1980).

Therefore, more advanced conceptions of citizenship tend to go beyond the narrow definition of citizenship, focussing on the legal status and the social, political and civil rights which go along with it and also address aspects of belonging (identity) and participation (Bellamy 2008). Furthermore,

most authors accommodate that citizenship is not a static institution, but constantly »[mediates] rights between the subjects of politics and the polity to which these subjects belong« (Isin/Nyers 2014: 1). To grasp the increasing fluidity and manifoldness of different (non-)citizen statuses and the diversity of rights associated with them, scholars began to understand citizenship in terms of a social process, social practices or »enacted processes« which provided some stability and endurance to the concept and, at »the same time opened to reinvention and contingent rearticulations« (Nyers 2017: 118). This theoretical shift was largely influenced by the work of Bourdieu (1993) and his concepts of habitus, field and social capital.

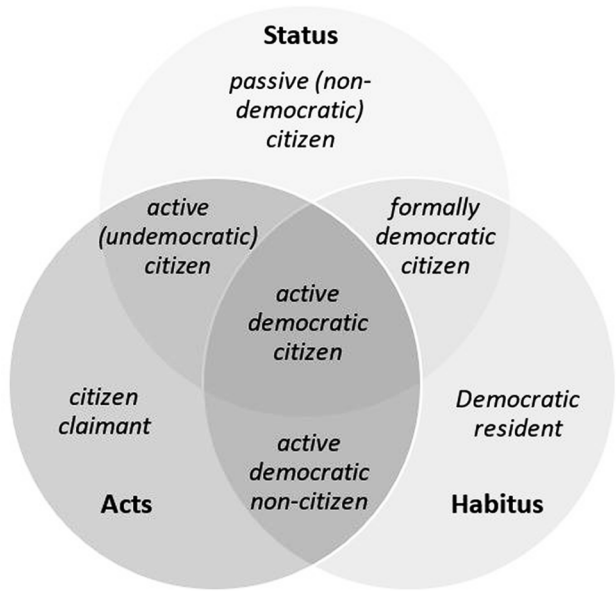
### 3. Status, habitus and practice

This very brief overview already illustrates that citizenship and in particular democratic citizenship is necessarily a concept in constant flux since the notion of a) democracy and b) the perception of who should be entitled to citizenship changes over time. Therefore, democratic citizenship is a political concept per se and as such always a matter of constant contestation. For a working definition we are building upon the aforementioned classical conception of citizenship, understanding it as a legal status which differentiates members and non-members of a polity. This requires some supplementary notes: First of all, we think it is important to mention the Janus face of citizenship: While it represents a mechanism of inclusion and an entitlement to certain rights on the one hand, it is at the same time also a mechanism of exclusion and discrimination on the other. Furthermore, in face of roughly 200 nation states worldwide, the nation state is currently clearly the main polity in terms of citizenship arrangements. However, in times of multilateralism and global governance, it is not the only political authority. We therefore want to follow Insin's tripartition of citizenship, which complements the notion of legal status with the aspects of acts and habitus of citizenship (2008; 2009).

Being intrigued by the various peculiarities of non-citizens in form of the foreigner, the migrant, the illegal alien, the wanderer, refugee, or émigré, Insin assumes non-citizens can perform »acts of citizenship« to claim certain rights they are formally not entitled to (2009: 383). This understanding brings in all the aforementioned subjects and thus overcomes the narrow focus limiting citizenship to citizens: Non-citizens can also claim rights, perform duties or perceive themselves as citizens.

Insin assumes that citizenship also comprises a certain habitus – a term borrowed from Bourdieu – which indicates habits that have been formed over a relatively long period to such an extent that they are taken for granted and repeated without much thinking or questioning. Participate in elections would be such a routine action explained by a habitus of citizenship. Together with acts of citizenship, it is the active part of citizenship which Turner (1997) demanded. Thus, a democratic habitus can be understood as a mediating element between the formal status and the singular act of citizenship. As outlined in Figure 1 below and we assume that democratic citizenship is coined by a status as citizen and a respective habitus. Furthermore, we assume that this status is not only granted top-down but also claimed bottom-up.

Figure 1: Ideal types of (democratic) citizenship



Source: Author's own compilation.

We presume seven different ideal types of democratic citizens that can be derived from the different combinations of status, habitus and actions. First, we can distinguish three clear-cut types:

- The *passive (non-democratic) citizen* who is entitled to civil, social and political rights by his status as a citizen of a democratic state. However, (s)he neither develops a democratic habitus to participate formally nor does (s)he participates in any informal practices to develop, deepen or defend democratic participation.
- Contrary, the *democratic resident* developed a democratic habitus. Without a citizen status, however, (s)he is formally not allowed to (fully) participate in the country of residence. (S)he does not attempt to change the situation.
- The *citizen claimant* differs with regard to the last aspect. (S)he has not developed a democratic habitus (yet), but is eager to achieve the status of citizenship including the respective rights that come along with it.

In addition, there are four additional mixed types:

- The *active democratic citizens*, building the core of our concept, enjoys the formal status of being a citizen and has developed a democratic habitus. Additionally, deeply rooted democratic values are driving the active democratic citizen to resort to non-formal civil acts to deepen and defend democracy.
- The *active democratic non-citizen* exhibits a democratic habitus and participates democratically without enjoying the formal status of citizenship.
- The *formally democratic citizen*, in contrast, possesses the citizen status in his/her country of residence. (S)he developed a certain habitus of democratic citizenship and is likely to take part in the routine actions of political participation such as voting. However, her/his actions do not go beyond formal avenues of participation.
- Last, but not least, the *active (undemocratic) citizen* enjoys all the rights that come along with formal citizenship but has never developed a democratic habitus. Contrary to his/her passive counterpart, however, (s)he uses his/her freedom to undermine the democratic system.

#### 4. Political and social fragmentation

The purpose of this edited volume is not to rewrite or update the concept of citizenship. Rather, we aim to (re)explore the challenges to democratic citizenship in times of worldwide political and social fragmentation. The term

»fragmentation« is used in a number of areas and academic disciplines, such as political science, sociology, economics, history and law. However, it was the international lawyer Jenks (1953: 403) who initially referred to two phenomena of fragmentation and its consequences: First, there is no general legislative body on the international level. Second, in the absence of such a world legislature, »law-making treaties are tending to develop in a number of historical, functional and regional groups which are separate from each other and whose mutual relationships are in some respects analogous to those of separate systems of municipal law.« About 60 years later, the International Law Commission (2006: 10) concluded: »There is little to be added to that analysis today.« Although the phenomenon of fragmentation has been a key concept in international legal scholarship for the past decades, scholars have struggled to agree on how to define the phenomenon in a way that accurately captures their concerns (Megiddo 2018: 118).

As Peters points out, the term »fragmentation« is used to denote both a process and a result. In fact, fragmentation is often used to capture such a vast array of phenomena that all of international law's development in the past century seems to be enveloped in it (2016: 1012). Increasingly, scholars of international relations and international economics also refer to the concept of fragmentation (Benvenisti/Downs 2007; Zürn/Faude 2013). Some of these authors conceptualise fragmentation in a broader socio-cultural sense, namely as the opposite of globalisation (Clark 1997; Sur 1997; Menzel 1998). However, fragmentation is not necessarily a negative development. Following this view, Biermann et al. (2009) differentiate between three types of fragmentation: synergistic fragmentation, cooperative fragmentation and conflictive fragmentation. By illustrating these concepts in the field of global climate governance, they show that different types of fragmentation are likely to have different degrees of performance. While cooperative forms of fragmentation may entail both significant costs and benefits, only the absence of coordination may lead to additional undesirable outcomes.

In the previous section, citizenship was defined as a special form of a social relationship between an individual and a state or a society. By and large, citizenship is enormously affected by the fragmentation of the three entities that make up democratic citizenship: the state, the society and the individual. For centuries, democratic citizenship has been a distinct characteristic of the nation state only. However, the forces of political fragmentation have transformed modern statehood tremendously. The European integration process has deeply affected the relationship between member states

and their citizens. Today, concepts of local, national and the EU citizenship exist side by side within the European Union. Consequently, this development has made democratic citizenship in the EU a multi-layered phenomenon (van Waarden/Seubert 2018: 5). On the other hand, the content of state sovereignty and the modes of government are not only transforming in Western Europe (Krasner 1999; Sørensen 2004). Worldwide, the paradigm of governance has shed a new perspective on democratic citizenship (Carter 2001; Kostakopoulou 2008). During the last decades, international migration has increasingly challenged the notion of citizenship as an exclusive national concept. So far, current realities – like the growing numbers of citizens with multiple identities and citizen statuses or the globalisation of citizenship – have been reflected in concepts such as cosmopolitan (Hutchings/Dannreuther 1999), global (O’Byrne), transnational (Bauböck 1994) or transborder citizenship (Glick Schiller/Fouron 2001: 25).

Processes of fragmentation are also affecting individuals and their social communities around the world. Societies are becoming more and more complex, dynamic, and diverse every day (Touraine 2003). Public organisations, companies and individuals are experiencing that current challenges cannot be resolved in the same manner as they were in the past. Some argue that a »global risk society« (Beck 2000) has emerged and new forms of non-hierarchical relationships between state and non-state actors play a growing role. These new relationships reshape the social contract between the state and its citizens and provide space for new global power structures. Extra-parliamentary popular resistance, refusing to adhere to the politics of the count on the one hand and populist movements disclosing their distrust against political elites on the other, challenge the existing relations between representational democracy and its citizens. The »neurotic citizen« (Isin 2004) emerges, who governs itself to responses to anxieties and uncertainties. In addition, the growing social mobilisation of individuals and intensified international migration have produced new spaces of democracy (Pugh 2009). Recently, several countries have been witnessing an era of political polarisation, thus indicating a possible crisis of representational democracy (Brennan 2017; Levitsky/Ziblatt 2018; Mounk 2018). This raises fundamental questions about the very essence of citizenship and gave the impulse to this edited volume.



## 5. Structure and rationale of the volume

This volume analyses democratic citizenship in flux. It reflects on recent conceptions of citizenship in the light of political and social fragmentation. The volume aims to bring together insights from different disciplines, such as political science, sociology, law and history. However, the predominant represented discipline remains political science. Nevertheless, the choice of authors of the chapters responds to the aim to ensure a twofold overall balance: First, a balance between different methodological approaches. As such, a one-sided perspective on citizenship generates a limited set of insights only. We therefore strived for a diversification of research methods used in the contributions to our volume. Authors use both qualitative and quantitative approaches, which are both complementary to each other when studying democratic citizenship. Second, there is a balance between female and male scientists. Arguably the most important measure to promote gender equality in science is an open door for female scientists at all levels. Consequently, 50 percent of the authors involved in this volume are female.

The chapters in this volume cover a variety of recent developments like the emergence of a transnational citizenship within the European Union, asylum and migration, the rise of populism, increasing polarisation and the challenging of representative democracy in Western Europe. These issues are examined in the context of different formations of status, habitus and actions of democratic citizenship.

The volume consists of three major parts. The *first part* investigates democratic citizenship in the European Union and starts with a historical

and institutionalist perspective to outline the evolution of modern citizenship rights. This contribution by Christian Tischmeyer focuses in particular on the historical observation that citizenship has served as a method of exclusion for the modern nation state. Tischmeyer argues that citizenship and biopolitical selectivity are inimically tied up with notions of collective identity and chauvinistic nationalism. His chapter concludes with a reflection on how to situate the institutional rationales of democratic citizenship within nation states between the extreme points of safeguarding against discrimination, versus an exclusive set of state-granted privileges, perfectly suited for discrimination on nationalistic grounds.

This institutionalist approach to citizenship is followed by a quantitative empirical analysis of citizenship in a supranational organization, namely the EU. In his chapter, Oliver Schwarz analyses the public perception of EU citi-

zenship in its local setting and thereby tackles the problem of multiple and competing forms of citizenship on different levels. His main point of interest is to explore the extent to which EU citizens' knowledge about their rights is accompanied by a positive public perception of European Union citizenship. For this purpose, the chapter first explores the development of EU citizenship and the relationship between citizenship and democracy in a European context. Then, the chapter presents findings of a face-to-face survey of 425 local residents in Duisburg, Germany. On the basis of the analysis, he finally formulates specific policy recommendations about how to vitalise the link between local citizens and the EU.

In a similar way, Aukje van Loon addresses the EU and the question to what extent the national citizen can influence his or her government position within the superior supranational entity. Using the case of the introduction of a European financial transaction tax, she applies a societal approach to governmental preference formation and analyses a broad range of stakeholders potentially affected by the introduction of such a tax (sectoral interest associations, trade unions, voters and NGOs). Her qualitative analysis concludes that the German government clearly followed dominant domestic ideas during the European debate.

Concluding the first part, Kathrin Behrens deals with the concept of formal citizenship in its legal dimension through a constitutional analysis of 27 European member states. She discusses the inclusion and exclusion of people in societal subsystems and the relevance of constitutional regulation of insiders and outsiders based on the systems theory. By analysing constitutional documents, her chapter shows that formalised membership via constitutionally organised citizenship to a state does not follow uniform trends in all its facets. Formal inclusion and exclusion are two dimensions that go hand in hand. Citizenship seems to be a fluid, dynamic political construction that is surprisingly only minutely finalised in constitutions. The impression suggests itself that citizenship is a very dynamic mechanism of inclusion and exclusion, which is why constitutions serve as too stable constructs to capture this important aspect of modern societies in its formal-legal dimension.

The *second part* of the book deals with the nexus between citizenship and migration. In the first chapter of this part, Feyza Yildirim Sungur, together with Oliver Schwarz, focuses in her analysis on the implications of dual citizenship in the context of political participation opportunities in more than one country, namely dual citizenship for Turkish citizens living in Germany. Their analysis focuses particularly on the German migration and integration

policy and the diaspora engagement policy of Turkey. The main argument is that transnational political involvement of Turkish migrants in Germany is shaped by Germany's late-coming self-definition as a country of immigration and by Turkey's recent progressive diaspora policy. Based on the study of the participation in German and Turkish polls, the authors conclude: Dual citizenship seems to be beneficial for the increase of the political participation of people with a Turkish migration background in Germany.

Thorsten Schlee's chapter deals with the differential inclusion of the asylum seekers and refugees in Germany. Schlee exemplifies the concept of differential inclusion in current changes in German asylum and immigration law and thereby further disaggregates citizenship on the national level. Based on case studies in German labour and public order administrations, the chapter demonstrates that despite processes of Europeanisation, the German labour market remains nationally bounded and regulated. The growing efforts in migration and integration management follow a logic of optimising the processes of the population. This kind of bio-political rationality aims at economic benefits rather than democratic legitimation.

The chapter concludes with the contribution of Lea Rządtki, who introduces a critical citizen's perspective. Based on a constructivist grounded theory exploration of immigrant rights activism in Hamburg, it aims at closing gaps in the conceptualization of non-citizens' struggles over citizenship. By relying on insights from feminist, post-colonial and black theories, the chapters' conclusions are twofold: First, in many groups, non-citizens struggle together with citizens, creating new dimensions in conceptualizing citizenship. Second, the general debate is rather focused on disruptive activities on the one hand and pro-refugee volunteering on the other hand, while the multitude of everyday politics within activist groups is not captured.

The *third and final part* of the book discusses individual perceptions of citizenship and how these effects the democratic constitution of modern societies. Carsten Wegscheider and Rula Nezi examine European citizens' notions of national and EU citizenship and their political and societal implications. In their analysis, they use data from the European Values Study covering 20 member states of the European Union. Their empirical results confirm the importance of political identity in supporting restrictions on the conditions for acquiring citizenship. While political identity determines the support or rejection of national and European restrictions on citizenship, social liberal values and anti-immigration attitudes are also very important factors. Furthermore, the results suggest that both notions of European citizenship are

comparatively more inclusive to their national counterparts, although the degree of inclusiveness is based on the distinction between the ethnic and civic dichotomy.

Last but not least, Merve Schmitz-Vardar explores socio-psychological determinants of individual critical-liberal desire for democracy in 20 member states of the European Union. The data for her analysis stem also from the European Social Survey. The aim of her chapter is to answer the question how including and excluding ideas of identity, trust and belonging affect the democratic value orientation of European citizens. Based on a series of OLS regressions and on the theoretical foundations of social identity theory, social threat theory and group-based enmity, the results show that nationalism does not favour democratic value orientation on its own. Particularly when analysing the interplay of resentment towards immigrants, trust in supposed foreign groups and democratic value orientation, it becomes clear that, depending on the national context, these can benefit each other. Here, other marginalised groups are often used as a pretext for hostility towards others.

We, the editors, have dispensed with the usual practice of closing this volume with an additional summary of the main findings. We believe that each contribution stands for itself and speaks for itself.

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