Formal citizenship in European constitutions

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1.   Introduction

»Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union« (European Union 1992: 15, art. 8 [1]). With this paragraph, the European Union expresses in the 1992 Maastricht Treaty[1] (European Union 1992) »EU's experiment with a form of supranational citizenship« (Shaw 2019: 2). In the 1997 Amsterdam Treaty, however, this experiment was toned down by adding that »Citizenship of the Union shall complement and not replace national citizenship« (European Union 1997: 27, art. 2 [9])[2]. The European Union's attempt to contest and hence to restructure the traditional concept of national citizenship is one of many examples of *citizenship in flux*. Nevertheless, even today European citizenship is still complementary to national citizenship and not a substitute on a supranational level. More clearly: the opportunities and benefits offered by an EU-citizenship (for instance freedom of movement, settlement and employment) inevitably depend on the membership to a European member state (for example Shaw 2019: 1).

The membership to a nation-state as a political community refers to *citizenship as status*, one of the two traditional lines of theories on citizenship. This contrasts with the second classical approach, which broadly refers to citizenship as activity (for instance Isin 2009. While the first narrative precisely defines the belonging to a political community, the second focuses on the function of political and social participation in that specific political

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1   Origins can already be found in the first treaties of the European Economic Community of 1957, but not as explicit regulation of European citizenship. Further information can be found, for instance, in Jacobs (2007).

2   There has been no change in the concept of European citizenship as complementary to the national citizenship in the Lisbon Treaty of 2009.

community (Kymlicka and Norman 1994: 353-54). Belonging to a nation-state is established by formal membership, represented by legally determined formal citizenship. Consequently, formal citizenship as a legal status includes people to a political community on a formal level, which is necessary in order to have at least the chance of political and social participation in the society of a nation[3]. Both, citizenship as activity and citizenship as status were challenged in the last decades, for instance in discourses on migration(see for instance Bauböck 2019) and globalization (exemplary Staeheli 1999). **?**. Yet despite these modern attempts to define and secure citizenship on a global (here: European) level, citizenship on the national level still seems to be indispensable.

This sociological contribution examines the concept of *formal citizenship as status* in its legal dimension through an analysis of European member states' constitutions. On the national level, constitutions are the most basic legal document, and hence they have the potential to legally define the conditions for formal membership, realized as citizenship regulations (Blaustein 1994: 3). Constitutionally regulated formal membership is tied to the privilege of certain (constitutionally secured) rights. These rights, for example in the form of the right to vote or the right to be elected into certain state institutions, contribute significantly to the *formal inclusion*[4] in the community – or the *exclusion* in case of its denial. In this sense and a sociological perspective, *constitutions are highly important legal institutions revealing mechanisms of formal inclusion or exclusion by setting the conditions for formal membership due to citizenship regulations*. In other words, the legal system (potentially) addresses people as citizens and thus formally includes them into a specific social and political community (Luhmann 1995).

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3   As Schinkel (2010), for example, rightly observes, nation-state and society are not necessarily the same thing. The same applies to their memberships. Whenever formal membership is mentioned in this article, it is always a question of legal belonging to a nation-state qua formal status as a citizen. The possibility of political and social participation and the associated societal belonging results (among other things) from the legally defined rights and duties that go hand in hand with this status. For reasons of space, no further attention can be paid to these consequences in detail.

4   Since this contribution is devoted exclusively to the legal and thus formal construct of citizenship, inclusion/exclusion can only be considered on the formal level. Formal inclusion is achieved through formal membership but does not allow any statements about actual social integration.

Due to the increasing tendency of nation-states to standardize constitutions in terms of content and form (cf. Blaustein 1994) , the question arises as to whether formal citizenship and thus legally defined formal inclusion/exclusion follows standardized paths or country-specific patterns – especially in the case of the European Union, in which the need for national regulations is articulated on a supranational level. To sociologically address the topic of *citizenship in flux*[5], the main argument of this paper is as follows: if the formal dimension of citizenship is legally secured on a national level, it could be regulated in national constitutions. Since constitutions are comparatively stable constructs (cf. Elkins, Ginsburg and Melton 2009), the concept of formal citizenship is limited in its dynamic if it is regulated in these documents. Constitutions could thus be interpreted as the ›corset‹ for formal citizenship. Consequently, it can be assumed that formal inclusion/exclusion has a low potential for change. So, the main questions are: is formal citizenship regulated in European constitutions? If so, which dimensions are part of the constitutional regulations? By answering these questions, it can be analyzed if formal citizenship in particular has the potential to flux dynamically.

To outline the legal foundation of formal citizenship, this contribution gives insights into citizenship regulations in constitutional documents on a descriptive level, structured as follows: Firstly, it illustrates a sociological perspective on system-theoretical inclusion/exclusion (Luhmann 1995) to underline its relevance for social order. Secondly, it translates these ideas into the analytical dimensions of formal citizenship in constitutions. Furthermore, the dimensions of formal membership are reconstructed by primary data of a quantitative content analysis of constitutional documents. Thus, this contribution offers an innovative and distinct sociological perspective that provides an understanding of the multidimensional and -faceted concept of citizenship in its explicitly formal expression.

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5   To answer the question of how constitutionally anchored citizenship regulations have changed over time, an intra-national comparison of various constitutional versions would be required. The current research design of this study does not accommodate the vast complexity needed to internationally compare intra-national constitutional change over time. Instead, the focus is on the international (here European) comparison of formalized citizenship regulations, which is an important aspect for further discussions in the volume.

2.   Inclusion and exclusion by formal citizenship

Generally speaking, we can describe inclusion as the multidimensional involvement of people in a community, while exclusion means the opposite; hence, they are complementary concepts. Inclusion into a social and political community in a *formal dimension* is guaranteed by the legally granted status as citizen. Fahrmeier (2007) describes the *formal dimension of citizenship* as »the legal definition of a close relationship between individuals and one state, usually documented in passports or other citizenship certificates. Formal citizenship [is] [...] a way of defining groups entitled to particular rights [...]« (Fahrmeir 2007: 2). Thus, constitutionally regulated citizenship legally determines formal inclusion that represents the translation of formal citizenship into (the possibility of) active participation in the social and political arena, which is crucial for the social and political integration of individuals into society.

One *sociological perspective* on inclusion is given by Systems Theory, the best-known representatives of which are Parsons (1964) and Luhmann (1995). While Parsons uses the term *integration* to describe the relationship between the units of a societal subsystem that ensure its stability and prevent its disintegration (Parsons 1964), Luhmann focuses on the differentiation of *inclusion* and *exclusion* (Luhmann 1995). He dissociates himself from the concept of integration as he generally assumes that, on the one hand, the *full* integration of individuals into the functionally differentiated societies in modernity is impossible. On the other hand, he explains that *multiple inclusions into one or more subsystems* is possible; which means a simultaneous exclusion from other subsystems due to the impossibility of full societal inclusion. In this sense, inclusion refers to the inner side of the system, while exclusion consequently refers to the outer side (Luhmann 1995: 241). Luhmann does not understand inclusion as the entire ›incorporation‹ of individual actors[6] into the societal system, but rather as »the way [...] in which, in the context of communication[7], people are *described*, and thus regarded as relevant,« that is, »the way in which they are treated as ›persons‹« [translated by author; emphasis in original] (Luhmann 1995: 241). This idea is analogous to Fahrmeier's expression

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6   Luhmann (1995) does not actually refer to ›individuals‹ or ›individual actors‹ in the terminology of his systems theory. He rather uses concepts such as ›psychic systems‹ to address what, in other theories, are the units on the individual level of society.

7   In this context, communication means the final element or specific operation of a societal system (Baraldi, Corsi and Esposito 1997:89).

of »defining groups« (Fahrmeir 2007: 2) that are entitled to a set of rights associated with the status as citizen.

Consequently, with Luhmann's perspective, *exclusion* from a societal subsystem means that the actor is *not a relevant person* for the subsystem. In modern, functionally differentiated societies, exclusion from one subsystem often results in the exclusion from multiple subsystems: losing one's job can result in losing one's flat, which can endanger one's connection to other social institutions (Baraldi, Corsi and Esposito 1997: 81). As Luhmann himself exemplifies, the lack of an identity card is cause to be excluded from social benefits, such as voting and legal marriage (Luhmann 1995: 259-260). The depth of the implications of exclusion can lead to individuals being regarded less and less as persons and as possible communication partners, but only as bodies for which different social conditions apply (Luhmann 1995: 262).

Although this article is explicitly not a system-theoretical examination of citizenship in constitutions, this theoretical excursus serves to clarify the sociological constraints of this article. The question remains, how formal inclusion/exclusion is legally organized. It seems obvious that the rights and duties regarding active participation are crucial for social and political inclusion, and, furthermore, the refusal of such rights leads to exclusion from subsystems such as the economic, judicial or educational systems (and vice versa). Referring again to Luhmann, citizenship (codified by the identity card) is one key mechanism for the claim on social benefits, the right to vote, to be eligible for political office and so on (Luhmann 1995: 259-60), making it plausible to examine citizenship regulations to answer the questions on formal inclusion. Rather than focusing on the political realization of rights indicative of social and political inclusion, this paper seeks to analyze the legal and thus formal dimension of citizenship and hence formal inclusion/exclusion. *Since the formally defined citizenship regulations are the legal translation of formal inclusion, the most important determinant seems to be the granting or denial of citizen status in constitutional documents.*

Following these ideas, the importance of the relationship between the legal definition of formal citizenship in national constitutions and formal inclusion can be summarized as follows: According to Luhmann's ideas, *the legal subsystem addresses the relevant persons by constitutional regulation, especially by formal citizenship as dimension of formal membership. Therefore, constitutional documents can be interpreted as genuine sociological material: they establish social order by mechanisms of inclusion/exclusion and stabilize it over time.* As a result, the constitutional documents seem to be a meaningful empirical basis for the exami-

nation of citizenship, since they represent the basis of any legal organization of nation-states. Thus, national constitutions provide an insight into the legal manifestation of how modern nation-states regulate the inclusion of people as legal persons.

3.   Constitutional regulation of formal citizenship

Constitutions as formalized certificates are »the final triumph [...] as a solemn result of democratic constitutionalism« [translation by author] (Loewenstein 1969: 137), resulting from the American and French Revolutions. They are the most fundamental written document, legally organizing the social arenas of societies (Grey 1984; Loewenstein 1969; Tschentscher 2011): by regulating the governmental arrangements and thereby setting the frame for political processes, constitutions are highly influential instruments of modern nation-states. Even if there are supranational institutions, for instance the European Union, which provide (at least partially) legally binding laws and treaties, constitutions on the national level still seem to be highly relevant institutions for modern nation-states. This is exemplarily indicated by the fact that the vast majority of countries has a constitution, despite the lack of obligation to have one (Go 2003: 71). Compared to administrative law, they have a special character. Go (2003) for instance states: »Not only are they all packed in a single document, they all specify in one way or another the organisation of political power, the division of governmental labour, the major principles and goals of governance« (2003: 72). Additionally, they are »meant to express an arrangement vastly more complex than those underlying most legal documents: the web of society's basic institutions and ideals« (Grey 1984: 16). In other words, constitutions represent common beliefs and recognized behaviors of a specific community (Loewenstein 1969: 127) as a »system of fundamental norms« [translated by author] (Loewenstein 1969: 129).

Additionally, as constitutions are »not an *ex nihilo* creation« [emphasis in original] (Grey 1984: 16), they can be interpreted as the result of societal negotiation processes as well as the catalyst for future social endeavors, making them *both a result of and a condition for social change*. Here it becomes clear once again why constitutions are relevant empirical data when it comes to *formal citizenship*: On the one hand, the regulations of formal citizenship contained therein are the result of certain social negotiation processes. Thus, the specific regulations of citizenship are the formalized outcome of social and poli-

tical discourses about membership. On the other hand, they influence, limit and enable social change by legally setting rules and frames for governmental arrangements and thereby determine the social order of society. They set the legal basis for the (passive) status as citizen, which is connected to certain rights and duties for individuals. These in turn form the foundation for the active habitus of citizens. By that, constitutions contribute to the formal inclusion of the members of a specific social and political community and simultaneously foster the social exclusion of foreigners. These mechanisms of formal inclusion and exclusion through the constitutional provision of formal membership are subject to constant negotiation processes. Therefore, the concept of *formal citizenship* itself is result of societal change and at the same time one of its determinants.

Focusing again on the question of *citizenship in flux*, some expectations[8] regarding the forthcoming presentation and discussion of results can be expressed: The ability of constitutions to establish social orders and to stabilize them for a comparatively long period of time determines the *potential for flux in the concept of formal citizenship*. Thus, if these documents contain very specific regulations on formal membership, a tight legal corset and thus a low potential for change can be assumed. If, though, formal citizenship is not regulated on the constitutional level, a capacity for dynamic change can be assumed, without, indeed, being able to say more precisely at this point whether and to what extent this takes place or has taken place.

4.   The data on constitutional citizenship regulation

The following analysis focuses on primary data resulting from a sub-project of the ›OnBound-Project‹ (#316798296 in the DFG database), which aims at an international comparison of religious and national identities. The subproject deals with the significance of religious and national identities in constitutions around the world and was guided by similar approaches that examined different constitutional contents (for instance Fox 2011; Heintz and Schnabel 2006; Schnabel, Behrens and Grötsch 2017). The current study uses the most recent

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8   These expectations should not be interpreted as research hypotheses that would have to be tested within a statistical analysis.

constitutions available in English language[9], which allows the international comparison of constitutions. However, using translated documents has the disadvantage of potential language distortion: certain formulations, words or semantic details that could be of great interest for the textual analysis of country-specific documents may get lost during the translation process. Due to the aforementioned assumptions, the analysis includes 27 countries that were members of the European Union in September 2017[10]. Four different coders examined the corresponding constitutional documents under the guidance of a codebook developed for this purpose. This codebook mainly contains variables on religion and national identity in constitutional documents, as well as variables on macro information (such as the year of constitutional enactment).

The variables on formal citizenship stem from the block on national identity. According to the basic principles of citizenship (for instance Isin 2009; Shachar 2012), the analysis includes variables on citizenship by birth, by ancestry and by naturalization. These aspects aim at the *acquisition of citizenship*. In addition, the regulation of dual citizenship, the revoking of citizenship and the possibility of extradition operationalize the *stability of citizenship*. Thus, the concept of constitutionally regulated, formal citizenship consists of regulations on acquisition and stability of citizenship. All variables are nominally scaled with the values (0) ›no regulation/no reference‹, (1) ›reference to regulations external law‹, (2) ›not possible‹ and (3) ›possible/possible under certain conditions‹.

Before focusing on the results, it should be explicitly emphasized that the generation and analysis of the constitutional data is a strictly text-based so-

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9   The online platform of the Comparative Constitute Project (Elkins, Melton and Ginsburg 2010) is the resource for all constitutional documents in English translation. The data were extracted from the constitutions from September 2017 onwards. All constitutional documents were downloaded as pdf files at one point in time, so the document version provided by the Comparative Constitute Project at that time is the respective working version for the analysis. In some cases, there may have been constitutional amendments that were not yet processed by the Comparative Constitute Project at the time of document collection and thus were not yet included in the version used.

10 Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Great Britain is not included, as it does not have a codified constitution.

ciological perspective[11] on constitutional regulations as social phenomenon (Cotterrell 1998). *It is therefore explicitly not a matter of a jurisprudential understanding and interpretation of the constitutional contents.* A jurisprudential interpretation of the constitutions with respect to their regulations of formal citizenship may lead to different results due to different approaches, different perspectives and different focuses. The aim is a *sociological examination* of constitutions as empirical data under the essential assumption that the constitutional content and nature of the formulations provide information about the normative framework of societies and their resulting social order – in this case about the mechanisms of formal inclusion and exclusion. Moreover, the analysis of the formal dimension of constitutional content *does not allow conclusions to be drawn about its ontological qualities* (Loewenstein 1969:154). The aspects of formal citizenship presented here therefore do not provide any information about the implementation in ›reality‹ by the political processes, focusing instead on its formal dimension to describe if and how the legal systems address people as citizens.

5.   Results

The variables relating to formal citizenship are distributed very differently in the examined constitutions, as shown by the number of constitutions that contain the different dimensions of constitutional citizenship regulations (see Table 1). The table shows the counting of the different forms of constitutional regulations (no regulations/external law/not possible/possible) across the different dimensions of citizenship (by birth/by ancestors/by naturalization/dual/revoking/extradition).

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11   Although a multidimensional analytical approach such as that developed and applied by Witte/Bucholc (2017) is highly plausible and the combination of a legal and cultural-sociological approach can, for instance, provide insights into the relationship between constitutional content and constitutional reality, such an approach would go beyond the scope of this work if all EU member states were to be compared.

Table 1: Number of European constitutions regulating the different dimensions of formal citizenship (N=27).

		n			
		no regulations	**external law**	**not possible**	**possi-ble**
Citizenship	**by birth**	16	5	1	5
	by ancestors	20	0	0	7
	by naturali-zation	22	4	0	1
	dual	20	4	1	2
	revoking	9	8	1	9
	extradition	7	6	1	13

Source: Own compilation.

One obvious result seems to be that – on the one hand – European constitutions do not provide citizenship regulations self-evidently: many constitutions (up to 22 for »citizenship by naturalization«) contain no reference to the relevant citizenship dimension. In addition, a considerable proportion (up to 8 for the dimension of »revoking citizenship«) of constitutions refers to regulations in external law. Since the present study cannot consider the content and details how external law organizes citizenship in these cases, this does not mean, of course, that those countries do not regulate formal membership at all. It only shows that the different forms of citizenship regulations are not constitutionally regulated by default.

The second fundamental finding is that, on the other hand, European constitutions address all the dimension mentioned before at least partially. The strongest contrast can be observed in the explicit constitutional regulation of citizenship by naturalization and the (im)possible extradition from state territory: while the former is regulated in only one of the constitutions examined here, the regulation of extradition is explicitly formulated in 14 constitutions (impossible and possible).

The country-specific proportions of the constitutional forms of citizenship arrangements (»no arrangement«, »external law«, »not possible«, »possible«) differ to such an extent that it is hardly possible to systematically describe meaningful groups of countries with regard to the constitutional

arrangement of citizenship[12]. Nevertheless, a rough descriptive classification helps to depict the countries studied, supported by examples of wording from the constitutions.

The large number of constitutions without any references to the various citizenship regulations culminates in those cases which do not have any constitutional reference to citizenship at all. For the European context, it concerns Denmark, France and Luxembourg.

Austria, Belgium, Germany, Greece and the Netherlands contain either no regulation for some of the discussed citizenship dimensions or refer to regulations in external law. For instance, the Dutch Constitution expresses that »Dutch nationality«, the »admission and expulsion of aliens« and »extradition« are regulated »by Act of Parliament« (Netherland's Constitution, 1815 [rev. 2008], art. 2). Here, one can exemplarily see the reference to some citizenship regulations, but without being able to evaluate the content since it is laid down in separate laws.

Estonia, Finland, Malta, Portugal, Romania and Spain have some additional constitutional formulations which allow certain citizenship regulations, partly under certain conditions. The Finnish Constitution is an illustrative example of generally allowing citizenship by birth and prohibiting the release of Finnish citizenship, while simultaneously referring to external law providing details and conditions: »A child acquires Finnish citizenship at birth and through the citizenship of its parents, as provided in more detail by an Act. Citizenship may also be granted upon notification or application, subject to the criteria determined by an Act. No one can be divested of or released from his or her Finnish citizenship except on grounds determined by an Act and only if he or she is in possession of or will be granted the citizenship of another State« (Finland's Constitution, 1999 [rev. 2011], art. 5).

Croatia, Cyprus, Czech Republic, Hungary, Italy, Latvia, Poland, Slovakia and Slovenia do regulate some of the relevant dimensions of citizenship, but without referring to details in external law.

Ireland and Lithuania are the only countries in Europe offering all forms of citizenship regulations: they do not regulate all dimensions of citizenship examined in this study, but do have references to external law, enabling some citizenship regulations and additionally have provisions for impossibilities.

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12   Table 2 8 in the Appendix gives an overview about the country specific distribution of the different forms of citizenship regulations in European constitutions.

For instance, the Irish Constitution generally provides regulations for citizenship by birth, but also contains formulations restricting this dimension: »Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of the birth of that person, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless provided for by law« (Ireland's Constitution, 1937 [rev. 2015], art. 9.2).

The Bulgarian and the Swedish cases are exceptional within the scope of this investigation: Bulgaria as it refers to every analyzed dimension of citizenship in its constitution – either by relating to external law or by immediately regulating it. On the other hand, the Swedish Constitution only contains negative regulations concerning the deprivation of citizenship and the extradition of citizens: »No Swedish citizen may be deported from or refused entry into the Realm. No Swedish citizen who is domiciled in the Realm or who has previously been domiciled in the Realm may be deprived of his or her citizenship. (...)« (Sweden's Constitution, 1974 [rev. 2012], ch.2, part2, art. 7).

Discussing the results and considering Luhmann's ideas on the concept of inclusion again, it can be stated that on the national level, only few cases across Europe constitutionally address people as citizens by and for the legal system. In cases where either no reference at all is made on citizenship regulations or only reference is just to regulations or regulatory details in external law, nothing can be said about the country-specific concept of formal inclusion of persons as citizens. Those countries which constitutionally address people as citizens in and by their legal systems, do have a comparatively stable concept of formal inclusion since constitutions are stabilized and stabilizing institutions on the national level. Nevertheless, if one recalls the overall impression of the ›regulatory intensity‹ of the analyzed dimensions of citizenship, the impression remains that formal inclusion by the constitutional addressing of people as citizens is not self-evident for European countries. Constitutionally guaranteed formal inclusion as citizen is the exception, not the rule. This has far-reaching consequences for the individual actor: speaking with Luhmann (1995), the very cautiously formalized inclusion into the legal system on the national level indicates that inclusion into other dependent subsystems of society is only (conditionally) guaranteed in very few cases. Hence, on individual level, social and political participation is not automatically determined by the constitutional regulation of formal membership. One reason for these findings might be that constitutions are more stable concepts than

other acts and laws of subordinate character. Considering that *citizenship is in flux* in content and over time, constitutions might not be the best institution to capture the necessary dynamics of this concept. Therefore, it is questionable how secure the concept of citizenship is on the constitutional level. Nevertheless, the formal dimension of citizenship is still one important dimension of many, and constitutions are highly relevant legal institutions that are comparable in the international context. Thus, the formal dimension of citizenship illustrated by this contribution could serve as a starting point for further perspectives on the concept of citizenship, its critique and analysis.

6.   Conclusion

Citizenship in flux – this idea affects many different dimensions of a highly complex concept. One dimension is the possible shift from a national to an international or transnational citizenship, considering for instance the aspirations towards European citizenship. However, even this format refers to the nation-state, as can be seen from the formulation in the Amsterdam Treaty (see introduction). Affecting the formal level of citizenship, the focus on the nation-state remains indispensable. Thus, this article deals with the question of the constitutional regulation of formal citizenship on the national level.

Luhmann's systems-theoretical perspective on inclusion/exclusion serves as a theoretical introduction. For the conceptualization of formal citizenship, the legal system constitutionally addresses persons as relevant. By an explorative, quantitative content analysis of constitutional documents across the European member states, the formal dimensions of citizenship are illustrated. However, the constitutional analysis reconstructing formal citizenship presents *one of several fundamental pillars* of the multidimensional concept of citizenship. Of course, the focus on *formal citizenship* goes hand in hand with the limitation of the perspective on the legal status as a citizen and ignores other dimensions for analytical purposes, such as acts and habitus of citizens (Isin 2009). It is also strictly limited to the abstract level of constitutional law and cannot take into account the constitutional reality: whether the constitutionally formulated inclusion by granting formal citizenship status leads to the enabling of the associated rights (and duties) in political realities remains outside the scope of this analysis. At the same time, the study of formal citizenship status on the constitutional level contributes to setting the framework

for differentiating between different ideal-types[13] of democratic citizen(ship) on the individual level. Consequently, they are highly relevant social institutions for the analysis of the foundation for social and political fragmentation.

Overall, the results can be summarized as follows: First, based on the constitutional data, it can be shown that formalized membership via constitutionally organized citizenship to a state does not follow uniform trends in all its facets. Second, formal inclusion and exclusion are – also on constitutional level – two dimensions that go hand in hand. Third, citizenship seems to be a fluid, dynamic political construction that is only rarely finalized 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. Nevertheless, constitutions are important empirical data when it comes on the regulations of formal membership on the national level: they show that the legal (here: constitutional) regulation of citizenship seems to be a highly complex process, even for modern societies.

The results of this contribution can be followed up by various discussions. First of all, the question arises almost automatically as to the possible implications for political and social science research on democracy and globalization. What does it mean for the democratic process of modern societies if citizenship on the nation-state level is a dynamic construct? Is citizenship still a promising factor for the future in times of globalizing societies? Is an international concept of citizenship suitable for intrastate political processes? The question of the rights and duties associated with constitutionally regulated citizenship is also relevant regarding the perspective of constructing societies. Last but not least, the formal and thus legal dimension of citizenship can be complemented, challenged and criticized by other highly relevant dimensions, as for instance the acts and habitus of citizenship (Isin 2009). This volume provides answers to some of the questions finally raised here. In addition, however, it becomes apparent that citizenship as a political and social concept is not only a historical variable but continues to be not uniformly organized in international comparison, which means that questions of the domestic and international organization of formal membership will continue to arise in the future.

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13   The assumed ideal-types of democratic citizen(ship) are to be found in the introduction of this volume.

Appendix

Table 2: Country-specific distribution of different forms of citizenship regulations in European constitutions.

country	no regulations/no reference	reference to regulations in external law	not possible	possible/under certain conditions
Austria	5	1	0	0
Belgium	5	1	0	0
Bulgaria	0	1	0	5
Croatia	4	0	0	2
Cyprus	4	0	0	2
Czech Republic	5	0	0	1
Denmark	6	0	0	0
Estonia	1	3	0	2
Finland	1	2	0	3
France	6	0	0	0
Germany	2	4	0	0
Greece	2	4	0	0
Hungary	2	0	0	4
Ireland	2	2	1	1
Italy	4	0	0	2
Latvia	4	0	0	2
Lithuania	2	2	1	1
Luxembourg	6	0	0	0
Malta	1	2	0	3
Netherlands	5	1	0	0
Poland	3	0	0	3
Portugal	4	1	0	1
Romania	3	2	0	1
Slovakia	5	0	0	1

Slovenia	5	0	0	1
Spain	3	1	0	2
Sweden	4	0	2	0

Source: Own compilation.

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