
THE EVOLUTION OF THE CONCEPT OF CITIZENSHIP

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Abstract: History teaches us that the rights and freedoms already had Roman citizens have been the subject of an incessant struggle by the European peoples, studded with progress and significant formal acts such as the Magna Charta of 1215, the Declaration of Rights of 1628, the Habeas Corpus of 1679, the English Bill of Rights of 1689, the Declaration of the rights of man and of the Citizen of 1789 produced by the French Revolution and the Universal Declaration of Human Rights of 1948. The concept of citizen radically changes with the Enlightenment and the natural law doctrine. The concept of citizenship in modern legal language indicates the belonging of an individual to one political community and the ensuing set of rights and duties deriving from this belonging: in others terms what the term citizenship helps to highlight is the delicate and complex relationship that is created between the individual and the political-juridical order. In the modern world, citizen is the individual who resides in a certain territory by virtue of their rights of belonging, and if the Citizenship means belonging to a portion of territory clearly delimited, the nation-state can only be the form of political association that, in the contemporary world, decides the "right to have rights". But in the political and social theory of the last few years, it is beginning to emerge the idea that citizenship can also project beyond the borders of nation-state. There are not a few theorists and activists who deem it to be inadequate perspective that limits the legal personality of individuals to recognized rights by a legislating State with precise territorial boundaries, since it is State-nation would be losing the political primacy it held in the model of modern citizenship, in the sense that it would no longer represent the only body at which binds both the ownership of citizenship rights and the sense of belonging to a political community. Citizenship has gradually become more and more de-territorialized, so the thesis sounds, and new forms of belonging beyond the Nation-states are beginning to replace obsolete forms of civic nationalism. These alternative conceptions have assumed different denominations, such as "global citizenship", "transnational citizenship" or "Post-national citizenship", "European citizenship", but they all share support for a principle of belonging that is opposed to the national one, because de-territorialized and therefore able to overcome the exclusive and particularistic character of citizenship linked to the false ideals of the homogeneity of the people and territorial self-sufficiency. Naturally, the possibility of determining whether a conception of the citizenship that goes beyond the boundaries of the nation-state is coherent and practicable depends very much on the concept of citizenship itself. All the more that the term presents a not negligible plurality of meanings and applications: it is invoked to characterize ways of participation and governance, rights and duties, identity, commitments and status.

Keywords: citizenship, territory, nation-states, citizens, boundaries.

The word "citizenship" comes from the Latin expression "*civitas*", derived in turn from "*civis*": free member of a city to which belongs by origin or by adoption. The expression "*civitas*" (distinguished from the expression "*urbis*" which designates a community of persons resident in a well delimited territory) therefore has the meaning of "condition of citizen", "right of citizenship", "*status civitatis*".⁴³⁵ The idea, that citizenship is the fundamental expression of the right to belong to a territorially defined political system, is generally taken for granted, both by common sense and by academic theories.⁴³⁶ Its classic formulation is due to *Hannah Arendt*, who - in the origins of totalitarianism, at the premise of the chapter on the sunset of national states and the end of human rights - speaks of the millions of human beings who, once rendered "stateless" and no longer protected by the rights of citizenship, were stripped of "Right to have rights": "Deprived of human rights guaranteed by citizenship, they found themselves to be without any rights, foam of the earth".⁴³⁷ In the modern world, citizen is the individual who resides in a certain territory by virtue of their rights of belonging, and if citizenship indicates belonging to a clearly delimited portion of territory, the nation-state cannot form of political association which, in the contemporary world, decides the "right to have rights". *Arendt's* statement, however, has a broader scope, because his thesis is not only descriptive, but also normative: every conception of citizenship that is not attributable to a specific juridical position within a particular and concrete political community is as insensitive as it is dangerous, because it equates to the absence (or loss) of human rights as a whole.

In the political and social theory of the last few years, has emerged the idea that citizenship can be projected beyond the borders of the nation-state. There are few theoreticians who consider inadequate the perspective that

⁴³⁵ P. Costa, *Civitas. Storia della cittadinanza in Europa*, 4 voll., Laterza, Roma-Bari; 1999-2001.

⁴³⁶ D. Heater, *A Brief History of Citizenship*, Edinburgh University Press, Edinburgh 2004.

⁴³⁷ H. Arendt, *Le origini del totalitarismo* (1951), Edizioni di Comunità, Milano 1996, p. 372; Kesby, *The Right to Have Rights. Citizenship, Humanity, and International Law*, Oxford University Press, Oxford 2012.

limits the legal personality of individuals to the rights recognized by a legislating State and endowed with precise territorial boundaries, since the nation-state is losing the political primacy held in the model of modern citizenship, in the sense that it would no longer represent the only body to which it is linked both the ownership of citizenship rights and the sense of belonging to a political community.⁴³⁸

Citizenship has progressively become increasingly deterritorialized, thus the thesis, and new forms of belonging beyond the nation-state are beginning to replace obsolete forms of civic nationalism. These alternative conceptions have taken different names, such as "global citizenship", "transnational citizenship" or "european citizenship", but all have in common the support for a principle of belonging that is opposed to the national one, and therefore able to overcome the exclusive and particularistic character of citizenship linked to the false ideals of the homogeneity of the people and territorial self-sufficiency.⁴³⁹ Conceptions do not overlap with the typical concept of liberal cosmopolitanism, of "universal citizenship", since they are not necessarily conceived to express universalistic ideals. On the other hand, they are not even equivalent to each other; what they have in common is both a descriptive trait, aimed at capturing the proliferation of multiple 'cross-border' identities, of the affiliations and relationships that have developed in parallel with the accentuation of the phenomena of globalization, and a normative aspect, aimed at arouse and nourish an international regime that does not associate the right to have rights solely to membership in a sovereign political body.

Naturally, the possibility of determining whether a conception of citizenship that goes beyond the borders of the nation-state is coherent and practicable depends very much on the concept of citizenship itself. Especially since the term presents a not negligible plurality of meanings and applications: it is invoked to characterize ways of participation and governance, rights and duties, identity, commitments and status. In fact, not to be controversial is only its positive meaning: the concept is always associated with a clear normative value. And it is precisely because no one refrains from recognizing the normative value that the denotative meaning of the term is found to be so controversial. The discussion on the concept of citizenship beyond the nation-state therefore ultimately concerns the meaning of citizenship tout court. On a concept, however, that is not a simple description of the social world, but that is an integral part of its constitution. This is why the seemingly contradictory notions of transnational or postnational or global citizenship challenge the conventional idea that the nation-state is the only real and legitimate context for the enjoyment of the rights of belonging. To dissipate - certainly only partially - the halo of utopianism that hovers over (virtual or real, hypothetical or desired) deterritorialization of citizenship should be remembered that the fundamental terms of the political lexicon are never simply descriptive: describe a certain kind of practices in language of citizenship always implies some form of recognition or legitimation.

It is therefore a question of tackling the thesis of the deterritorialization of citizenship as an aspiration, a counterfactual request, a goal to be reached rather than a fact that it would simply be a matter of recording. In essence, it is possible to interpret the idea of post-national citizenship as a way to challenge the state centric perspective, according to which the boundaries of the civic community necessarily coincide with the geographical frontiers of the state, and therefore as "the announcement of a new political conscience. And of new forms of belonging",⁴⁴⁰ so as to reverse the burden of justification so that it is normative nationalism that must legitimize itself in its own pretensions of validity.

The hypothesis of the deterritorialization of citizenship has captured the attention of a growing number of theorists, most of whom have challenged the "methodological nationalism"⁴⁴¹ which informs the statecentric approach, even though the chronic uncertainty of meaning regarding the concept itself of citizenship does not contribute to clarifying the lines of discussion. If there is generally agreement on the definition - citizenship is the legal construct that defines the fundamental criterion that regulates membership in a political community - its theoretical articulation is subject to often conflicting interpretations. For some it indicates a formal legal relationship between individuals and the political community, for others it is equivalent to a form of active

⁴³⁸ Y.N. Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe*, The University of Chicago Press, Chicago 1994; D. Tambini, *Post-National Citizenship*, in "Ethnic and Racial Studies", 2, 2001, p. 195-217; L. Bosniak, *The Citizen and the Alien. Dilemmas of Contemporary Membership*, Princeton University Press, Princeton e Oxford 2006.

⁴³⁹ M. Feldblum, "Reconfiguring Citizenship in Western Europe", in C. Joppke, *Challenge to the Nation-State, Immigration in Western Europe and the United States*, Oxford University Press, New York, 1998, p. 231-270; N. Dower e J. Williams, *Global Citizenship: A Critical Introduction*, Routledge, New York 2002; R. Bauböck, *Transnational Citizenship: Membership and Rights in International Migration*, Edward Elgar, Aldershot 1994; A. Ong, *Flexible Citizenship: The Cultural Logics of Transnationality*.

⁴⁴⁰ S. Benhabib, *I diritti degli altri. Stranieri, residenti, cittadini* (2004), Raffaello Cortina, Milano 2006, p. 139.

⁴⁴¹ U. Beck, "Critica delle sguardo nazionale e del nazionalismo metodologico", in, *Lo sguardo cosmopolita* (2004), Carocci, Roma 2005, p. 38-48.

engagement in the life of the community; for some it is largely a matter of individual justice, for others it implies pressing issues of collective identity.

One can then try to distinguish, roughly, between the following articulations of the concept: 2.1) Citizenship as an expression of the "right to have rights"; 2.2) citizenship as a legal status; 2.3) citizenship as a form of political activity; 2.4) citizenship as an expression of collective identity.⁴⁴² It is indeed opportune to recognize, if we want to bring some clarity to the debate that looks favorably at the dissociation between political identity and national belonging, that the discourse on citizenship implies distinct regimes of discursiveness. And, in particular, note that the thesis concerning its deterritorialization cannot be traced back to a unitary and homogeneous line of thought, but to different theoretical orientations, each of which is inspired by a different argumentative strand. Which means, in other words, that the meaning and the plausibility of the theses on deterritorialization vary substantially depending on the discourse, or on the dimension, of the idea of citizenship evoked from time to time.

From a very widespread perspective, citizenship is a question of legal status, and coincides with formal or nominal membership of an organized political community. This is a widespread perspective, but has recently become rather controversial. And much of the controversy concerns the problem of those who have a proper title to acquire and retain the status of citizen. Consider the polemics on *ius soli* and on the *ius sanguinis* and on the criteria required for naturalization, or on the controversy about whether citizenship should be an exclusive status or whether forms of dual citizenship or even multiple citizenship can be tolerated, or else to the discussions that invest the meaning and legitimacy of the border, in every sense, which divides citizens from foreigners, and which concern the legitimacy or the opportunity to deny rights and benefits to immigrants, strangers and others from us. But if you leave aside the controversy or differences sharpened by art and look at the substance of things, you can see that all theories that consider citizenship equivalent to the recognition of the legal status of citizens share a fundamental premise: the citizens of Modern states are always also members of a territorially defined nation-state, of a unit bounded within a system of national states. Membership restrictions and affiliation links that find legal expression in citizen status are circumscribed nationally.

In general terms, considering citizenship as a status exclusively related to the nation-state seems reasonable, as well as a foregone conclusion. In fact, citizenship is almost always conferred by the nation-state and, if considered in the view of international law, it is the citizenship of the nation-state that is recognized and protected. It is true that people can enjoy formal legal affiliations to sub-national entities, but these memberships are often subordinated to a request for national citizenship and are generally considered subsidiary or complementary. However, some theorists have emphasized three recent developments, which in their view would be indicative of a gradual process of deterritorialization of citizenship status. The first and most obvious is the case of the European Union, in which the project for the construction of a supranational citizenship - a specific European citizenship.⁴⁴³ These developments challenge the correspondence between citizenship and national belonging and signal the possibility of guaranteeing legal structures that do not necessarily require the unit of residence, administrative subjection, democratic participation and cultural affiliation envisaged by Weber. And if for some, all this is a plastic manifestation of the "crisis of citizenship",⁴⁴⁴ for others it is a generalizable model of "postnational" citizenship.⁴⁴⁵

Now it is clear that in this case we are faced with opposing unilaterality. It is true that EU citizens enjoy economic rights and certain political rights at the supranational level. But, on the other hand, European citizenship remains subordinate to national citizenship in respect of several relevant aspects. First of all, the 1992 Treaty on European Union defines, in art. 17, which is a citizen of the EU "*anyone who has the citizenship of a Member State. Citizenship of the Union is a complement to national citizenship and does not replace it*", and it is the national legislation that ordinarily determines who can be considered a citizen of the Union. Secondly, the institutional body under which this new form of citizenship continues to remain under the aegis and control of individual Member States. Finally, it should be remembered how difficult it is to export and generalize this model. There is currently no formal and formally recognized citizenship that belongs to any other supranational body. From this point of view, even if European citizenship presents itself as a certain distance from the national model, since the borders of the civic community no longer coincide with the frontiers of individual States, this remains a rather limited phenomenon, both in nature and in effects. Less two perspectives are still less convincing. The first is that the enjoyment, in many democratic liberal states, of substantial rights of belonging by long-term foreigners is actually signaling the post-nationalization of citizenship. The extension of the rights to foreigners involves the post-nationalization of citizenship since the sources of many of these rights

⁴⁴² L. Bosniak, *Citizenship Denationalized (The State of Citizenship Symposium)*, in "Indiana Journal of Global Legal Studies", 2, 2000, p. 447-509.

⁴⁴³ V. Lippolis, *La cittadinanza europea*, il Mulino, Bologna 1994.

⁴⁴⁴ U. Vogel e M. Moran, *The Frontiers of Citizenship*, Palgrave Macmillan, Basingstoke 1991, p. XII.

⁴⁴⁵ Y.N. Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe*, cit., p. 147.

rest on the international human rights regime, which grants recognition to individuals on the basis of their humanity rather than their national affiliation. The fact is, however, that this thesis has limited empirical applications. In many countries, the rights ascribable to the quasi-substantial membership enjoyed by foreigners are by no means based on the international human rights regime, but on national legal systems. The request to respect the humanity of foreigners arises from the need for modification based on national laws and conducted in the name of the observance of the national Constitutions.

This thesis also reveals a more strictly conceptual problem, since it superimposes two different meanings of citizenship, which should instead be kept analytically distinct. Now, it can also be said that the growing guarantee of human rights offered at international law level signals the deterritorialization of citizenship. This means that the enjoyment of rights does not now depend exclusively on rules based on nationality. But this is a topic on citizenship as a legal status in general: the thesis concerns the disarticulation of the norms that guarantee the legal status of citizenship for anyone. It is not a thesis that concerns foreigners, and their "substantial" rights, in particular. Foreigners can enjoy a certain share of "citizenship" by virtue of the various social and economic rights granted to them by national laws. However, the fact that they can use it does not mean that their formal or nominal status towards the political community in which they reside has undergone significant changes. When citizenship is conceived in terms of formal membership of the political order, foreigners remain "foreign": they reside in the host country only at the discretion of its political and administrative authorities and, for example, cannot participate in national or national political elections. They are facilitated in terms of access to naturalization, and therefore to political citizenship. As a third sign of increasing deterritorialization of citizenship, some theoreticians have underlined the increasing diffusion of the double, or even multiple, citizenship.⁴⁴⁶ Although obviously it is a significant development, multiple citizenship can hardly represent a "postnational" form of citizenship or membership, as some have suggested.⁴⁴⁷ If it is also true that multiple citizenship implies diverse commitments and plural identities on the part of those who support it, these commitments and identities remain closely anchored to the nation-state entity. From this point of view, the "multinationalization" of citizenship could perhaps represent a more practicable hypothesis.

All in all, citizenship as a legal status continues to be a dimension of political belonging circumscribed to a defined community, even if the EU represents a significant exception, however limited. This does not mean denying that the status of citizenship, as an institution and as a practice, has been influenced in many ways by the processes of globalization - as reflected in both the EU's consolidation and the increase in multiple citizenships in many countries. But many of the transformations in the nature of citizenship as a status on which some theorists have paid attention do not have much to do with deterritorialization, but with the demystification of an ideal. In other words, the traditional idea of citizenship can be worn out, frayed or weakened both by the interdependence among the peoples of the planet, which contradicts the territorial self-sufficiency of states, and by increasing cross-border mobility, but citizenship continues to depend on access, from residence and, ultimately, from belonging to a circumscribed territory.

If citizenship is an inherently national project, then the recent claims of theorists and activists can only seem inconsistent and implausible. And if, however, this depended on a conception of citizenship that continues to revolve around the reality and image of the land, a territory confined and guarded by the nation-state? If we consider citizenship as a fundamental political concept, conventionally used to designate a multiplicity of different social experiences and practices,⁴⁴⁸ we can ask ourselves whether these practices and experiences, these at least embryonic forms of citizenship, must inevitably and definitively be "confined". - in every sense - to the national sphere. Taking a possibility approach seems preferable - if only because the citizenship has not always been "confined" to the nation-state and the need for an organic relationship between the state and the rights of belonging may be precisely what needs justification, instead of being the given a priori of every reflection on the matter.

It is about choosing: or deciding that citizenship is necessarily a national affair, so these developments cannot by definition fall into its semantic field, or we can address the issue in the light of new practices, however these may be in progress or evolving. The fact that we are faced with a choice makes it clear how difficult it is to rely on an objective definition of present citizenship "out there" and on which to refer to resolve any uncertainty in this regard. The meaning of citizenship has always been controversial and will continue to be controversial. The exponents of post-or transnational citizenship have simply opened a new front in the long struggle to define the concept.

But why should it be important to choose to describe translocal solidarity, interconfinity mobilizations and postnational identities in the language of citizenship? Because, in fact, "citizenship" is not simply a word that

⁴⁴⁶ *Idem*, pp. 2-4.

⁴⁴⁷ L. Bosniak, *Multiple Nationality and the postnational Transformation of Citizenship*, in "Virginia Journal of International Law", 4, 2002, pp. 979–1004.

⁴⁴⁸ U. Vogel e M. Moran, *The Frontiers of Citizenship*, MacMillan, London 1991, p.X.

describes the world. It is also a term endowed with great power, both symbolic and normative, capable of exercising a large legitimizing function. To characterize a set of social practices in the language of citizenship means to consider them politically and socially endowed with value, since they are constitutive and definitive towards our collective lives. Rejecting this designation from these practices is tantamount to denying this form of recognition. From this point of view, the thesis of postnational citizenship can and must be read not so much as an assertion of "fact", but as an act of political patronage. That is, in other words, as a request for recognition - even if in the literature on post-national citizenship this is not always explicit. In fact, the way in which the claims take shape is generally of a descriptive nature; their message is that, in fact, citizenship is progressively taking on post-national forms.⁴⁴⁹ Whether this is explained or not, however, the definition of non-national social and political arrangements in the language of citizenship is also and necessarily, at least in a certain measure, a normative claim. In a world in which the national character of citizenship is taken for granted, the very idea of "postnational citizenship" seems inevitably destabilizing. The apparent paradox embedded in the idea serves to shape the critique of prevailing conceptions, defined in national or territorial terms, of community membership, and by implication, to give shape to something that, for some, is "the outpost" or the "incubation chamber of the postnational global order".⁴⁵⁰ The debate on the transformations of citizenship is therefore a normative debate, which seeks to loosen the grip that the image of the nation-state has so tenaciously maintained on conventional political imagination.

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⁴⁴⁹ Y.N. Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe*, p. 25

⁴⁵⁰ A. Appadurai, *Modernità in polvere*, p. 218.

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