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MULTIPLE CITIZENSHIP IN A GLOBALISING WORLD: THE POLITICS OF DUAL CITIZENSHIP IN COMPARATIVE PERSPECTIVE

Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 3/03

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Over the last few decades the number of cases of multiple nationalities worldwide has increased rapidly, and for various reasons this is being tolerated by more and more sovereign states. This is astonishing when one considers that a few decades ago citizenship and political loyalty to a state and, in particular, a specific national political community, were still considered inseparable. Despite the fundamental challenges raised by dual citizenship, the empirical evidence suggests that most immigration states have successfully adapted to problems of sovereignty and legitimacy. State authorities in many immigration countries in Europe and North America have gradually come to see dual citizenship neither as evil nor as an intrinsic value desirable as such. Nonetheless, the degree to which dual nationality is tolerated by states differs widely. Since immigrants themselves have developed manifold strategies to use dual nationality – states and citizens have been engaged in processes of mutual accommodation. The questions deal with are: What are the factors encouraging the increasing tolerance towards multiple nationalities? How can cross-national differences regarding de jure and de facto tolerance towards dual nationality be explained? And what are the consequences of the growing tolerance towards dual nationality for statehood and immigrant policies? Based on the findings of postnational, national and transnational perspectives the analysis proposes to analyze tolerance and resistance towards dual nationality as a path-dependent process.

Keywords: dual citizenship, dual nationality, comparative politics: Germany, Sweden, the Netherlands, immigrant political incorporation

Introduction

The issue of dual citizenship has gained prominence in immigrant political incorporation. Over the last few decades the number of cases of multiple nationalities worldwide has increased rapidly, and for various reasons this is being tolerated by more and more sovereign states. This is astonishing when one considers that a few decades ago citizenship and political loyalty to a state and, in particular, a specific national political community, were still considered inseparable. Dual citizenship is thus a particularly interesting case for studying the prerequisites and contexts for policies directed at immigrants (immigrant policies) and politics around immigration issues. Proponents and opponents have made far-reaching claims about its impact on the 'integration' or 'incorporation' of immigrants and the consequences for democracy and modern statehood. The growth of dual citizenship concerns core issues such as state sovereignty and democratic legitimacy, on the one hand, and adequate ways of incorporating immigrants, on the other hand.

Exploring the politics and policies of dual nationality and citizenship offers a chance to explore the shifting boundaries of state-citizen relations, looking at the contexts for immigrant political incorporation, which range from denizenship to citizenship. Generally speaking, these shifting state-citizen relations concern both 'social integration' – the incorporation of political actors such as immigrants into the political system – and 'system integration' – the interlinkage of parts in the political system as a whole (cf. Lockwood 1964). Advocates of dual nationality – as in immigrant policy in general, mostly high level bureaucrats, judges (e.g. Guiraudon 2000) and those favoring an integration paradigm along culturally pluralist lines – have mainly argued along the lines of social integration in focusing on prospects for enhanced political insertion of immigrants into political life on various levels of government. Critics have been mostly concerned with aspects of system integration in pointing towards the potentially dysfunctional effects for state sovereignty and democratic legitimacy. In short, the issue of dual citizenship highlights crucial elements of the context for both citizen participation and state functions. The rich literature on modes of incorporation has been mostly concerned with immigrant participation, as shaped by state institutions and public policies.[1] Much less emphasis has been placed on the implications of immigrant incorporation for statehood. Most of this latter work has been concerned with immigration, not so much with politics and policies on incorporation (e.g. Hollifield 1992; cf. Zolberg 1999).

In a nutshell, the political proponents have argued that instituting new internal borders in tolerating dual nationality would enhance the political integration of immigrants. This claim hinges on the observation that those states tole-

rating dual nationality have had, ceteris paribus, proportionally more immigrants naturalizing. In political debates, dual nationality has also been justified as a mechanism to enhance political participation, along with other tools such as political rights for resident non-citizens viz. denizens (e.g. Jones-Correa 1998).

Critics of dual nationality, however, usually refer to the manifold challenges for state sovereignty and democratic legitimacy. First, dual nationality involves multiple loyalties and links of citizens across state borders or even within a world society. This has a direct bearing on issues such as dual military service and double taxation and thus pertains to state sovereignty. Second, and more importantly, dual citizenship raises the fundamental question if political membership across borders in democratically legitimated states can be designed in a way that it upholds the feedback loops between the governed and the governing. In nuce, it brings up the issue of democratic legitimacy. Ideally, citizens are the basic law-givers in a democratic society. According to a long line of political theorists from Rousseau to Habermas, the addressees of a law should see themselves as its authors. Empirically, we observe that citizenship – understood as the set of institutionalized ties between the governed and the governing, which are based upon social and symbolic ties among citizens – has developed over time in territorially enclosed, socially relatively coherent and inter-generationally viable political communities with effective state authorities (Rokkan & Urwin 1983: chapter 1). Thinking on citizenship has traditionally assumed some kind of congruence between the people (*demos*), the state territory and state authority (Jellinek 1964: 406-27). Ties of citizens reaching into multiple states, however, seem to question the supposed congruence of this trinity. Concerning the legal status of citizens, dual citizenship raises the issue whether border-crossing ties violate basic principles such as 'one person, one vote'. This could lead to a certain degree of incongruence between *demos* and state authority because citizens could exert voice but exit at will when the political outputs and outcomes do not suit them. As to the ties amongst citizens one might ask whether loyalty and trust among citizens (cf. Putnam 1993: chapter 6) are divisible. Dual citizenship may also create problems of output legitimacy (cf. Easton 1967) if the inclusion of immigrants into the political realm under conditions of multiple loyalties is deemed to be damaging for the public spirit. Populist politics, which has accompanied debates on dual nationality legislation in countries such as Germany, attest to this problem.

Despite the fundamental challenges raised by dual citizenship, the empirical evidence suggests that most immigration states have successfully adapted to problems of sovereignty and legitimacy. State authorities in many immigration countries[2] in Europe and North America have gradually come to see dual citi-

zenship neither as evil nor as an intrinsic value desirable as such. Nonetheless, the degree to which dual nationality is tolerated by states differs widely. Immigrants themselves have developed manifold strategies to use dual nationality – states and citizens have been engaged in processes of mutual accommodation. The questions then are: What are the factors encouraging the increasing tolerance towards multiple nationalities? How can national differences regarding de jure and de facto tolerance towards dual nationality be explained? And what are the consequences of the growing tolerance towards dual nationality for statehood and immigrant policies?

In order to describe this truly seminal development, I propose to expand our methodological and conceptual horizon and go beyond nationally bound political systems to include both post- and transnational perspectives.[3] In nuce, national, postnational and transnational perspectives are necessary to give a satisfactory account of the development and consequences of dual citizenship in the context of immigrant policies and political insertion. It means that each perspective is useful for explaining different parts of the puzzle: The postnational perspective on the extension of personhood rights vis-à-vis states highlights the gradual extension of nationality as a human right; the national perspective on political incorporation is particularly helpful in accounting for variations in tolerance across national states. Finally, the transnational perspective, which questions the concept of the national state as a container for social integration (cf. Faist 2000: chapter 7), is the starting point for understanding dual nationality as a process of mutual accommodation between states and (new) citizens.

To probe into the politics and policies of dual nationality and citizenship gives us a clearer understanding of the institutional and discursive contexts of immigrant political incorporation. Institutional forces – including the citizenship laws and rules, immigrant integration policies, and gatekeepers such as political parties – have shaped what forms immigrant mobilization takes, and the particularities along which lines immigrant mobilization and participation occurs. Discursive factors – such as understandings of nationhood and cultural pluralism, belief systems and arguments – have also been decisive in shaping the opportunity structures for immigrant political incorporation.[4]

Towards the goal of exploring the context of immigrant political incorporation in a crucial research area, I first define the key terms nationality as a normative-legal and citizenship as a normative-political concept. The second part sketches the three proposed perspectives for analyzing dual citizenship. The third part then deals with the issue of state sovereignty in tracing what factors have led to a growing tolerance of dual nationality worldwide over the past decades. This includes tracing the emergence of nationality as a human right as seen from a postnational perspective, in this case the importance of internatio-

nal law and its implications for national law. The fourth part describes national variations in the de facto and de jure tolerance or even acceptance of dual nationality, ranging from a continuum from restrictive to liberal cases. The comparative sketch draws on the German, Dutch and Swedish experience, with occasional references to France and the United States. The main purpose is to discern factors which account for nationally specific modes of dealing with multiple nationality; among them understandings of nationhood, policies and discourses shaping immigrant incorporation in the cultural realm, and more general institutional and discursive opportunity structures found within the respective national political systems. Part five deals with the consequences of the politics and legislation on dual nationality for statehood and the actual practices of immigrants in a transnational perspective. Based on the findings of the postnational, national and transnational perspectives the concluding section then proposes to analyze tolerance and resistance towards dual nationality as a path- viz. tree-dependent process.

Part One: Nationality and Citizenship

Before analyzing the factors driving tolerance and resistance towards dual citizenship, it is necessary to clarify the key terms nationality and citizenship. Nationality means full membership in a state and the corresponding tie to state law and subjection to state power. The interstate function of nationality is to clearly define a people within a relatively clearly delineated territory and to protect the citizens of a state against the outside, at times hostile, world. The intrastate viz. domestic function of nationality is to define the rights and duties of members. According to the principle of *domaine reservée* (exclusive competence), each state decides within the limits of sovereign self-determination which criteria it requires for access to its nationality. One general condition for membership is that nationals have some kind of close ties to the respective state, a genuine link (Rittstieg 1990: 1402).

Citizenship, in contrast, essentially comprises three mutually qualifying dimensions: first and foremost, the notion of collective self-determination and democracy, secondly, the legally guaranteed status of equal political freedom and other rights and, thirdly, membership of a political community. First, citizenship means above all the principle of unity of both governing and being governed, whatever form the democratic procedures of each state take in detail. Citizens obey the laws in the creation of which they participated and to whose validity they thus consent (cf. e.g. Walzer 1989). The legal status of equal individual liberty implies the paradoxical unity between governing and governed in a democracy. Without democratic procedures guiding citizens' political self-determination, citizenship would only amount to members of political communi-

ties being subjects of a sovereign. Second, the constitutions of modern states enshrine human and fundamental rights of liberty belonging to citizenship as a legal status. In general, citizens' rights fall into various realms, for example, civil or negative rights to liberty, political rights to participation such as the right to vote and to associate, and social rights – which in the Anglo-Saxon context not only means the right to social benefits in case of sickness, unemployment and old age, but in particular also the right to education (Marshall 1964). It is highly contested whether, to which degree and for which category of citizens cultural or even group-differentiated rights should be a constitutive part of citizenship (e.g., Kymlicka 1995). The duties corresponding to citizens' entitlements are the duty to serve in the armed forces in order to protect state sovereignty toward the exterior, while the duty to pay taxes, to acknowledge the rights and liberties of other citizens and to accept democratically legitimated decisions of majorities structure the internal sphere (cf. Habermas 1992: 371). Third, citizenship rests on an affinity of citizens to certain political communities, the partial identification with and thus loyalty to a self-governing collective. The qualifications required of citizens of modern national states is an affinity to their political community – often a nation (cf. Weber 1972: 242-44) or a multination – that is, identification with a self-governing collective that is able to establish a balance between the individual and common interests on the one hand and rights and responsibilities within the political community on the other. Affiliation to a collective, expressed as a set of relatively continuous, social and symbolic ties of citizens otherwise anonymous to each other, is linked to the status dimension because citizenship means the formalization of reciprocal obligations of members in a political community, akin to a social treaty (Dahrendorf 1992: 116). By means of laws and official norms, government institutions hold in trust networks of reciprocity and collectives of solidarity, which cannot be produced by the state itself.

Part Two: Three Perspectives on Dual Citizenship – National, Postnational and Transnational

The growing interest in citizenship beyond the traditional understanding of territorial, exclusively, liberal democratic states, has been accompanied by the discussion of two noteworthy aspects. First, *political issues and decisions* migrate beyond national borders (inter alia Held et al. 1999), and second, *persons* are perceived to be crossing state borders on a new scale (cf. Castles & Davidson 2000). For an operationalization of the problems and questions formulated for this enquiry into dual citizenship, the traditional understanding of state and citizenship on the one hand and the two aforementioned problems on the other can be classified into three ideal-type perspectives of citizenship: national, post-

national and transnational membership. All three perspectives deal with transborder links maintained by citizens. In the national and more traditional perspective, however, the question of dual citizenship is predominantly defined as a problem pertaining to individual states, their capacities and sovereignty, while from the post-state and the transnational perspective, dual citizenship is characterised as also including a transborder form of state-citizen relations. From a postnational point of view it is related to rights and democracy beyond the national state, and from a transnational point of view it is discussed in relation to the sometimes de-bordered social life-worlds of citizens. Each of these somewhat stylized notions places a different emphasis on aspects such as membership, legal status, the rights and duties of citizens and the bedrock of modern political orders – democracy.

The National Perspective: Dual Citizenship as a Mechanism of Immigrant Integration

As a sort of anomaly, citizens living abroad belong to territorially and inter-generationally bounded political communities. It is no coincidence that many countries are usually more tolerant towards multiple memberships of their own citizens living abroad if compared to immigrant newcomers in their territory. In countries with a strong ethno-national tradition the transmission of citizenship may even proceed across several generations. In a national perspective there may be a plausible reason for tolerating or even accepting dual citizenship. The most persuasive is that dual citizenship increases the propensity among newcomers viz. immigrants to naturalize in the country of settlement. Some empirical surveys suggest that immigrants prefer maintaining their old citizenship when naturalizing in another country (cf. Chavez 1997: 131).

One of the weaknesses of the national perspective on dual citizenship is, however, that it does not take into account the importance of transnational ties of citizens and the resources inherent in relations, such as reciprocity and solidarity. Examples abound: Chinese entrepreneurs have long been known to rely on *guanxi* – friendship-communal – networks to integrate economically in a great variety of countries all over the globe (Nonini/ Ong 1997: 9). Politically, Irish-Americans, Polish-Americans and Jewish-Americans have supported national projects in their ancestral homelands, sometimes going into fourth and fifth generation following the original immigrants (M.F. Jacobson 1995). This transnational engagement has not hindered their integration into the political community of the USA. Also, the realm of eventual integration is an open question: Whether immigrants and minorities eventually integrate within immigration countries, or whether other realms of integration such as diaspora communities should also be considered, can only be determined by exacting empirical analysis.

The Postnational Perspective:
Dual Citizenship as a Transitory Phenomenon

The post-state concept comes in at least two variants: postnational membership and supranational citizenship. Postnational membership focuses on the impact of interstate norms upon citizenship in sovereign states. Supranational citizenship asks about the rights of citizens in multi-level governance systems such as the European Union (EU).

Postnational Membership: The main idea is that the two main components of citizenship – in the postnational membership concept simply rights & duties and collective identity – have increasingly decoupled over the past decades. Thus, for example, human rights, formerly tightly connected to nationality, nowadays also apply to non-citizen residents. In other words, settled non-citizens also have access to significant human, civil and social rights. Therefore, citizenship as a "right to have rights" (Arendt 1981: 166) is not anymore the fundamental basis for membership in political communities. Instead, discourses tied to interstate norms, such as the various charters on fundamental rights by the United Nations (UN) and the EU, are supposed to contribute to postnational membership (Soysal 1994). This perspective, however, cannot comprehend the democratically legitimated part of citizenship status and the importance of affective ties to and within states; the first dimension of citizenship discussed before. As a consequence, it is no coincidence that analysts speak of postnational membership instead of citizenship. The popular legitimation of membership in political communities, of utmost importance for any democratic regime, gets lost. Instead, the focus is on courts who uphold interstate norms – "rights across borders" (D. Jacobson 1995). The very basis of equal political liberty is neglected by the postnational membership concept. For example, the tension of political rights attached to both denizenship and citizenship is not considered.

Supranational Citizenship: This concept primarily concerns citizenship in political multi-level systems such as the EU. At first sight, supranational citizenship appears as the logical next step in the centuries-old evolution of citizenship in what nowadays are liberal democracies. It is a current process much alike the one by which sovereign states have gradually centralized and assimilated local and regional citizenships over the past centuries. Over the past decades, this has occurred under propitious political-economic conditions, such as continued prosperity and the absence of war, and under the umbrella of depending on the viewpoint, proto-federal systems such as the EU. The formidable obstacles on the road to substantive EU citizenship include the acceptance of democratic majority decisions and supranational social policies, and the resources necessary

for the integration of political communities, such as trust and solidarity (cf. Delanty 1996: 6). European Union citizenship, as it has developed since the Treaty of Maastricht (1991), is not coterminous with dual citizenship, overlapping several sovereign states. Rather, it is a sort of multiple citizenships nested on several governance levels – regional, state and supranational. Only citizens of a member state are citizens of the Union. Although only a few entitlements such as participation in elections to European Parliament are tied to Union citizenship, there are the rudimentary signs of European consciousness which are necessary for the evolution of a collective political identity on the EU level (cf. Bauböck 1997). In such a supranational perspective dual citizenship is ultimately of secondary importance only.[5]

The Transnational Perspective: Dual Citizenship Reflects Overlapping Ties
Detailed analyses of border-crossing exchange show that different states and distinct economic, political and social sectors have been impacted by 'globalization' in very different ways and to varying degrees. It is necessary to move beyond this insight. Geographically mobile persons, in contrast to goods, capital and information, frequently form dense and continuous border-crossing networks, communities and organizations, which connect the relatively sedentary and the more mobile parts of citizenries. In short, geographic mobility results in transnational (social) formation, sometimes called spaces or fields (Basch et al. 1994; cf. Vertovec 1999). Transnational social spaces are defined by the pluri-local ties of individuals, networks, communities and organizations which exist across the borders of several states. These transnational relations have a high density and a high degree of continuity. Descriptions of transnational spaces paint a picture of life worlds and the efforts of states and other organizations to regulate border-crossing exchange. In essence, four stylized types of transnational social spaces can be discerned (see Faist 2003 for details): First, there are small groups such as kinship systems. Examples include families entertaining main and shadow households. Of central importance for dual citizenship are also bi-national partnerships. The partners usually settle in one country but frequently entertain symbolic and social ties abroad. Second, a multitude of non-governmental organizations has mushroomed in world society, forming "transnational advocacy networks" (Keck & Sikkink 1998); not to forget networks of economic entrepreneurs who venture beyond state borders. Third, there are numerous transnational communities (Portes 1996) whose reach crosses state borders. The most obvious examples include village communities with emigrants abroad, and classical diasporas with a strong sense of an imagined homeland. Fourth, border-crossing organizations not only comprise multinational companies and political parties such as the Socialist International but al-

so religious institutions, the most prominent being the Catholic Church. In sum, small kinship groups with geographically mobile members, transnational communities and organizations foster a life style which implies frequent and dense social and symbolic transactions across state borders. And quite a few of the persons involved possess genuine links reaching into different states (Levitt 2001).

All of this suggests that relatively dense and continuous interstitial ties of citizens are not located beyond states but cross state borders. A transnational perspective also implies that dual citizenship is not a separate form of membership in political communities such as national citizenship in sovereign states or supranational citizenship in multi-level governance systems. Rather, dual citizenship is essentially a form of political membership complementing national citizenship when life-world social and symbolic ties of citizens overlap state borders.

Part Three: The Postnational Perspective – Nationality as a Human Right

The postnational perspective is most useful in outlining inter- and supranational background factors conducive to the tolerance towards dual nationality (Gerdes & Rieple 2000a). While the conventional postnational membership perspective suggests a decoupling of rights and identities attached to the citizenship status and asserts the increasing salience of rights attached to personhood, the empirical study of dual nationality adds an additional interpretation. Retaining the focus on personhood, one may usefully trace the emergence of the right to nationality as a human right, and not the importance of human rights discourses on denizenship rights.

Nationality as a human right at first sight challenges the traditional notion of state sovereignty, as expressed in the notion of *domaine reservée*. In accordance with the principle of *domaine réservée*, every state has the sovereign right to determine the criteria for acquiring the nationality of that state. Traditionally, there are few matters which were more a symbolic expression of state sovereignty than the international recognized right of states to determine nationality. A few decades ago, most states on earth agreed that multiple nationalities should be avoided as best as possible. The preamble to the Hague Convention reads: "All persons are entitled to possess one nationality, but one nationality only." (League of Nations 1930) State laws, bilateral treaties – such as the famous Bancroft Treaties the USA concluded with European countries around the middle of the 19th century – and interstate conventions such as *The Hague Convention* of 1930 and the *European Convention on the Reduction of Multiple Nationality*

(Council of Europe 1963) bear testimony to this dominant belief. The rights and duties of states versus citizens were built on the assumption of the congruence of the holy trinity territory, people and regime (*Montevideo Convention* of 1933). The only conditions attached to the international recognition of a nationality have been that (1) it is related in a certain way to the legal system of the state in question, that (2) a so-called *genuine link* exists between the state citizen and the respective state, and that (3) the self-determination of other states is likewise respected (Rittstieg 1990: 1402). Further restrictions may only arise out of international agreements. While these conventions did not carry the more binding character of international regimes, such as the human rights regime, they guided sovereign states' declared policies.

In concrete terms, two rules dominated law and state practice from late 19th century until the Cold War. First, acquiring a new nationality meant losing the previous one. Most states automatically excluded a citizen from membership when this person acquired the nationality of another state, or when other signs suggested that a citizen expressed loyalty to foreign potentate – for example, serving in its army or voting in elections (cf. Spiro 1997). Political commentators used to connect dual citizenship to treason, espionage and a whole range of subversive activities. In many cases, countries of immigration required release from the original nationality upon naturalization. Second, since dual citizenship could never be avoided completely, some states dealt with the actual increase in multiple nationalities by providing for an optional rule. Upon reaching majority age the respective person had to choose one of the two nationalities; otherwise he or she risked to be expatriated (cf. Bar-Yaacov 1961: chapters 5 and 10).

However, there has been a gradual and lengthy but fundamental shift from exclusive state sovereignty to the increasing recognition of the legitimate claims and rights of individuals. Particularly the post-World War Two human rights norms in international law have significantly constrained the states "sovereign prerogative paradigm" in citizenship law (cf. Kimminich & Hobe 2000). Of course, a significant expression of this change is Art. 15 of the *Universal Declaration of Human Rights* (1948) according to which "[e]veryone has the right to nationality". This article recognizes nationality as the precondition for effective individual rights. This provision, at least initially, only meant a minimal constraint of state sovereignty, because thereby no particular state is required to grant the right to citizenship. Like the right to emigration the individual right to change one's nationality is essentially of a negative kind (Art. 15, para. 2; cf. Hammar 1990: 81).[6] Furthermore, nationality as a human right has found its way only into one of the major human rights treaties adopted in the era after World War Two, namely the *American Convention on Human Rights* (1969);

upheld by the Inter-American Court of Human Rights (1988). Because states were reluctant to relinquish their right to determine the conditions of their nationality, in the *International Covenant on Civil and Political Rights* (1966) in Art. 24, para. 3 only children were given the right to acquire a nationality.

Nevertheless, there are meaningful international conventions and treaties, judgements of international courts and evaluations of nationality laws through intergovernmental organisations, which have strengthened the individual right to citizenship in several respects against the claims of states to define exclusively the rules of their nationality laws. Especially relating to the issues avoidance of statelessness and securing of gender equality, there have been more far-reaching conclusions in respect to the individual right to citizenship. Examples include the Convention on the Reduction of Statelessness, 1961; the Conventions on Dual Nationality by the Council of Europe, 1963, 1977, 1997; the Convention on the Nationality of Married Women, 1957; and the Convention on the Elimination of All Forms of Discrimination against Women, 1979. In sum, manners in which states regulate matters bearing on nationality can no longer be deemed within their sole jurisdiction but are circumscribed by their obligations to ensure the full protection of human rights (Chan 1991).

Also, supranational political integration has slowly increased tolerance towards dual nationality. Dual citizenship could be said to have an auxiliary function smoothing the road to European citizenship. For example, European integration has fostered the mutual recognition of multiple citizenships in the member states. For example, Germany does not require citizens of other member states to ask for release from their former citizenship when acquiring German nationality. Dual citizenship could thus be envisioned as a bridge between national and supranational citizenship. During the celebrations of the Elysée Treaty in early 2003, an even bolder proposal for dual citizenship between France and Germany was unveiled. The initiative – part of a program to intensify bilateral relations – would allow German and French citizens resident in each other's countries to hold the passports of both states. The purpose of the dual citizenship declaration is to foster the countries' vision of close co-operation. The policy would allow French and German citizens to vote in each other's national elections. Politicians on both sides presented it as a model and initial step towards the goal of future European citizenship.

In sum, the evidence suggests that dual citizenship is not simply a foreboding of cosmopolitan citizenship. The main trend has been the spread of dual nationality and the tolerance towards dual citizenship as a result of an emerging trend of nationality as a human right. Apart from close inter- and supranational regimes such as the EU, postnational trends have shown their strongest impact on the level of the national states and in the transnational realm. The very prin-

ciples national states have enshrined in their constitutions and agreed upon in international conventions, regimes and institutions have found their way back to shape legislation on nationality and the practices of citizenship.

Part Four: The National Perspective
– Integrating Nations and Immigrants

The following comparative sketch probes into the question of why we observe different degrees of de jure tolerance towards dual nationality. Over the past years, a great many sovereign immigration states have made naturalization less and less dependent upon giving up their former citizenship. This trend clearly pervades nationality laws and regulations. For instance, the rules of loss have changed. Some states that required release from former nationality now tolerate multiple nationalities to a much higher degree – examples include France in 1973, Portugal in 1981 and Italy in 1992. Others have only made minor concessions, such as Germany. Even those national states that in principle, strive to avoid dual nationality, usually have some exempting rules. In general, such regulations apply when the former state refuses to release the citizen from nationality, or makes the release dependent upon unreasonable conditions; for example, the rule that young men need to serve in the army before being discharged from citizenship. The analysis suggests that nationally specific modes have shaped the politics surrounding the varying degrees of tolerance of dual citizenship found in the respective countries. The following comparative sketch focuses on the following sets of factors: (1) background factors such as traditions of nationhood and modes of immigrant political integration; (2) institutional opportunity structures such as the main modes of politics; and (3) the discursive opportunity structure such as arguments and belief systems of the main political actors involved in legislation. Before sketching the cross-country differences, it is necessary to rationalize the selection of cases.

There are two ways of classifying tolerance and restriction towards dual nationality. The first is to look at states' de jure toleration vs. restriction towards dual nationality. The second is to analyze the de facto behaviour of states. States may be indifferent to dual nationality for various reasons. For example, despite the 'oath of allegiance', the United States does not require written evidence that immigrants have actually renounced a previous nationality. Other countries such as the UK do not even regulate dual nationality. Here, the analysis focuses on the first dimension. The comparative analysis includes Germany, the Netherlands and Sweden. These three countries have varying policies on the acceptance of dual citizenship and can be classified accordingly on a continuous scale ranging from *restrictive* to *tolerant* and, finally, *open*. The most restrictive cases are characterised by the following criteria:

(1) Assignment by birth: only one nationality possible;

(2) Obligation to choose a nationality on reaching maturity;

(3) Expatriation required (in some cases also proof required) upon naturalisation in another country and

(4) Forced expatriation upon naturalisation in another country.

The more stringently the acquisition of a nationality corresponds to the principles (1) to (4), the more restrictive the regime – and conversely, the more lenient the procedure, or the more exemptions there are from these requirements, the more open the regime in question is to dual citizenship. Of the four immigration countries, Germany is the most restrictive de jure, the Netherlands more tolerant, and Sweden has followed in 2001. Although the recent extension of the *ius soli* clause in Germany's nationality legislation is extremely generous in comparison to that of other European states, the principle of avoiding dual citizenship is de jure to be adhered strictly. The individuals in question must, by the end of their 23rd year, opt for one or the other nationality, and may otherwise be deprived of their German nationality. As before, in the case of naturalisation – apart from the special case of late repatriates of German origin (so-called ethnic Germans or "*Spätaussiedler*") – the relinquishment of the previous citizenship is generally required. Nevertheless, several exceptions apply, for example, when there are overriding constitutional grounds, or if there are no provisions for the relinquishment of the nationality of the other country in question, or if it is refused or obstructed.[7] For a while during the early 1990s in the Netherlands, dual nationality was tolerated without exception on naturalisation, but the relinquishment of the prior nationality is now generally required again. Compared with Germany, however, there are much more extensive exemption clauses. In Sweden, by comparison, legislative reform has been completed and dual citizenship is now accepted in general. Sweden previously belonged to the restrictive category and demanded the relinquishment of the previous nationality.

The propositions guiding the cross-state analysis[8] are the following:

(1) Among the decisive factors that favour the tolerance towards dual nationality are understandings of nationhood. A republican understanding of nationhood[9] tends to foster indifference towards dual nationality. For de jure tolerance and acceptance of dual nationality to take hold, culturally pluralist viz. 'multicultural'[10] policies and discourses need to connect with republican elements. The tolerance towards dual nationality is coupled tightly with the enfranchisement of immigrants in their role as denizens or citizens.

(2) The eventual legislative output is decisively mediated by nationally-specific modes of politics which form part of broader institutional opportunity structures and prevail in the field of immigrant integration: competitive party poli-

tics in Germany, corporatist consensus politics in Sweden, and a slowly eroding elite consensus in the Netherlands.

Germany: Competitive Party Politics and Mainstream Populism
The most recent changes in German nationality law which went into effect in 2000 facilitated the naturalisation of foreign citizens who have lived in Germany for a certain length of time, and the automatic acquisition of German nationality by birth for the second and third generations – i.e. the extension of the blood principle (jus sanguinis) and the principle of naturalisation based upon socialisation of young persons by the application of the principle of territoriality (jus soli) (cf. Appendix 1). Another major issue of the debate was whether as a rule naturalisation required the relinquishment of an individual's previous nationality or whether multiple nationalities should be tolerated to a greater degree than before. The chancellor of the new Red-Green governing coalition announced that new nationality legislation would make Germany 'compatible with Europe'. Interestingly, after a short and highly politicized public debate in early 1999, the rules for including the second generation were more liberal than demanded by the government while dual nationality was not allowed as a rule. However, by adding the jus soli rule, the German government added impetus to the growth of multiple nationalities.

   The run-of-the-mill explanation for Germany's lag in adopting a more liberal nationality law has been that the so-called ethno-cultural concept of nationhood presented a formidable obstacle. This simplistic argument not only neglects changes in German political culture since 1945, disregards the division of Germany until 1989 and the subsequent speedy citizenship reforms. It is also not supported by an analysis of parliamentary and public discourses on nationality legislation during the 1990s. There is no evidence for explicit or implicit reference to any kind of ethnic or cultural understanding of citizenship among the opponents of dual nationality. Quite to the contrary, the opponents have consistently called for strengthening the renunciation rule for German citizens living abroad – at odds with an ethno-cultural understanding of nationhood. Moreover and ironically, tolerance towards dual nationality has been higher under the old nationality law dating back to 1913 (RuStAG) than in the subsequent reforms in 1977, 1991 and 2000. A factor directly impinging on the prospects for increasing de jure tolerance towards dual nationality has been the discursive use of 'multiculturalism'. While Germany would score somewhat lower than the Netherlands or Sweden regarding actually existing culturally pluralist policies towards immigrants (Appendix 2), it is also crucial that 'multiculturalism' has been elevated to become the polar and negatively loaded opposite to Germany not being a 'country of immigration' position in academic

and political debates during the 1980s and 1990s. Indirectly, multiculturalism entered the citizenship debate only as a dystopic vision, when the opposition Christian Democrats (CDU/CSU) opposing increased tolerance dual nationality succeeded in tying nationality to increased immigration.

To connect dual nationality to issues of immigration, crime and security and thus treat it as a meta-issue, i.e. far remote from the political issue at hand, has been helped by extremely contentious party politics. This type of politics has largely determined the political opportunity structures regarding immigrant insertion. For decades, immigration and nationality issues have – intermittently – served as rallying posts for center right parties (Thränhardt 1995). Thus, mainstream parties have selectively used populist strategies in party competition. In the debate on dual nationality, the CDU instigated a signature campaign against dual citizenship. It proved very successful; more than 5 million signatures against the proposed new citizenship law. Ultimately, it was one of the main reasons for the defeat of the SPD and Greens in the state elections in Hesse in early 1999.

The Netherlands: Slowly Eroding Elite Consensus

Debates on dual nationality partly developed out of earlier efforts to enfranchise non-nationals in the 1970s and 1980s. During the 1970s, self-appointed advocates of immigrants started to push for local voting rights for non-citizens. In the 1980s a majority of political parties hoped that enfranchisement could serve as a symbolic means to show that the government was responding to the need to improve the social position of non-nationals; responding to events such as the Moluccan train hijacking in 1974 and later incidents. Local voting rights, instituted in 1985, were considered part of 'minority policies'. These latter set of policies aimed to incorporate immigrant groups along established institutional structures of representation and consultation in the political, social and religious spheres. This approach was helped by the tradition of pillarization (*verzuiling*) which could be applied to immigrants as well (cf. Penninx 1996). In the late 1980s, it became clear that a left-right coalition for an extension of the franchise for denizens to the national level was impossible because liberal and right-wing parties blocked. Subsequently, the discussion on political insertion turned to dual nationality. It also entered debates as a result of efforts to achieve gender equity. Since the 1960s women did not follow the status of their husbands automatically. And since the mid-1980s Dutch fathers and mothers could pass on nationality to their children, both in the Netherlands and abroad. In effect, this led to an increase in dual nationality. Finally, the renunciation requirement was abolished and dual nationality practically accepted in 1991. However, the law changed again in 1997, now demanding renunciation of the former

nationality naturalizing immigrants. Nonetheless, when compared to more re-strictive cases such as Germany, more exceptions have persisted. The current law still accepts formal ties to more than one country acceptable for categories such as spouses in mixed marriages, children born of mixed marriages and second generation immigrants.

Overall, the ideal of political equality has become more and more important after World War Two in discussions on nationality. Both local voting rights (since 1985) and dual nationality (1991-97) were justified by the assumption that they would either increase political equity or make naturalization and thus formal participation easier. Both voting rights for denizens and dual nationality were not only viewed as advancing political integration but also as stepping stones towards general social participation and integration of immigrants. The Dutch case suggests that conceptions of nation and nationhood have been changing constantly and in tandem with understandings of immigrant integration. In the *Minderhedennota* of 1983 – the government report initiating 'minority policies' – the Dutch nation was portrayed as a territorially bounded multiform viz. multicultural society. In the *Nota Integratiebeleid* of 1994 – reflecting the policy shift away from cultural to socio-economic, from collective to individual, concerns – the dominant image used was that of a Dutch nation built around an autochthonous core, open to the rest of the world. The latter report and the *Allochtonenbeleid* (1989) manifest a change in immigrant insertion policy – from 'minority policy' of the 1980s to 'integration' or 'allochtonen' policy, also called *inburgerungs*-policy. Interestingly, the concept of citizenship emerged as the leading principle of the 'new version of the persons of different cultures in the Netherlands' (Groenendijk & Heijs 1999). The focus shifted from cultural pluralism to individual responsibility as a means to advance integration of the immigrant categories considered problematic, i.e. Surinamese, Moroccans and Turks. Language and civics courses for immigrants became dominant integration schemes.

Unlike France and Germany, politicians and political parties in the Netherlands agreed and managed to keep immigration out of political campaigns until recently. This was possible because of a consensus among the political elite of keeping contentious issues out of public debates. One of the most visible outcomes was the 1991 law. It emerged as a political compromise between the main political parties. How much immigrant integration policy dominated the reasoning on nationality rules can be seen in the fact that the legislators did not discuss or consider the issue of multiple bonds to several states. Instead, not surprisingly, the formula was to improve the legal position of immigrants in order to foster social integration. However, as it became visible that social problems among certain immigrant categories persisted, politics became more conten-

tious and the elite consensus began to erode. As in the German case, the main political parties fell into two blocks. The Social Democratic PdVA and the left liberal D66 continued to favor tolerance, while the conservative-liberal VVD and the small Christian parties such as the CDA began to demand abolishing the renunciation rule. The main ideological fault line was the use of naturalization as a way to stimulate integration of immigrants. Since the mid-1990s other issues have also been brought into the public arena, such as dual loyalties and immigrants as calculating citizens collecting passports. Thus dual nationality became more and more part of a politicized discussion on immigrant insertion; long before populists such as Pim Fortuyn entered the debates.

Sweden: Socio-political Nationhood and Political Equality
– Consensus Politics

Like in the Netherlands, the Swedish debate on dual nationality started as a continuation of the discussion on voting rights for resident non-citizens. After local voting rights had been granted in 1975, advocates of immigrant rights demanded to extend enfranchisement to the national level. While this proposal encountered strong opposition, dual nationality entered political debates as an alternative to voting rights for non-citizens. This discursive window widened in the mid-1980s, when the government instituted a parliamentary commission to explore opportunities for dual nationality. Yet most parties rejected the proposal. However, the commission concluded its work by shifting the 'burden of proof'. The main argument was that unless there are compelling reasons to prohibit dual nationality, one should tolerate or even embrace it. In 1990/91, the Social Democrats suggested to proposition to explicitly allow multiple nationality. Yet the governing Center-Right government blocked and withdrew the proposition. Their stance shifted when yet another government commission on citizenship began to with nationality and citizenship in broad terms in 1997. This time it was the commission which asked the government for permission to propose changes in dual citizenship. While the multicultural rhetoric of the mid-1970s had by that time largely discarded, the principle of political equality and, above all 'freedom of choice' (*valfrihet*) for immigrants, were very much alive and enjoyed widespread majority support among politicians and the populace. Freedom of choice concerned the right of immigrants to choose whether to retain their cultural tradition, hence forming the linchpin of multiculturalism in its 1970s version. By the late 1990s freedom of choice had become part of so-called 'integration policies'. Moreover, one of the most widely discussed arguments in favor of accepting dual nationality was the principle of gender equity. Gradually, from the 1950s onwards – in accord with international law – the principle of gender equity became more important than avoiding multiple na-

tionalities. Also, fair treatment of Swedish citizens naturalizing abroad and immigrants naturalizing in Sweden played a role in the discourse. In 1979 the Swedish government took steps to allow Swedish citizens to acquire other nationalities without renouncing their Swedish citizenship. However, that was not fully recognized and put into practice until 2001.

In terms of the understanding of nationhood and its importance for nationality and citizenship, Sweden is a clear example of how restrictive and misleading the republican vs. ethno-cultural dichotomy can be. For the Swedish case, a sociopolitical understanding of citizenship, usually referred to by the shorthand of the 'people's home', is important for understanding both immigrant policies in general and citizenship politics and policies in particular. In the past, the 'people's home' was a way to envision and mobilize support for the social democratic welfare state project. It also has often been taken as a shorthand description of the welfare state program in Sweden more generally. There are various interpretations of its meaning. The first implies a scheme of social cooperation between citizen-workers, built around accommodations between capital & labor and other interest organizations and parties. Although the 'people's home' may be seen to carry elements of an ethno-cultural understanding of nationhood – cultural cohesiveness enabling strong social solidarity and reciprocity on a national level – it can also be interpreted as a break with ethno-cultural forms of nationalism and geared towards social inclusion on the basis of political equality and freedom. A second interpretation hinges on the articulation of Swedishness on the one hand, and the differentiation between the normal and the pathological, on the other hand. This form of the 'people's home' nationalism was especially prevalent at the turn of the 19th and 20th century, as evidenced by policies towards the Saami and the Roma. These latter groups, along with immigrants, became the targets of multicultural policies in their first phase during the late 1970s. The socio-political connotations of the 'people's home', especially those regarding the first interpretation, may have made it easier to introduce dual nationality. Regarding policies of cultural pluralism, dual nationality could be cast as an extension of the freedom of choice principle stemming from the 1970s. In 2000, it was beneficial to apply this principle to citizenship because dual nationality does not involve contentious group rights but pure and simple individual rights.

As to the institutional opportunity structure, Swedish politics in general and immigrant accommodation politics in particular have occurred between consensus politics with a focus on seeking broad societal and political majorities on the one hand and block politics of the left and the center right parties on the other hand. Although, as in the German case, no right-wing populist party of national importance existed, mainstream parties, unlike the German case, refrai-

ned from exploiting the citizenship issue in a populist fashion. In addition to consensus politics, this characteristic further contributed to the fact that the dual nationality issue never sparked heated public debates and strong media attention. As to the discursive opportunity structure, it is remarkable how strong the argument of political equality was in the discussions of the 1980s and 1990s. It was applied to equal treatment of Swedish citizens acquiring a different nationality abroad and denizens naturalizing in Sweden – but also to more arcane and indirect arguments about the minimal difference in rights between denizens and citizens: since this difference was already so small, it would make little sense not to tolerate dual nationality (cf. Gustafson 2002).

Preliminary Lessons from Comparative Analysis
The comparative analysis has profound implications for our understanding of the politics of citizenship in general and the issues of denizenship and nationhood in particular. First, the evidence suggests that the classical dichotomy of republican vs. ethno-cultural concepts of nationhood and its significance for naturalization rules have to be re-examined and specified. Not only are such understandings subject to historical change, as the German case would suggest. Also, and more importantly, this distinction does not capture the specific mix of republican and ethnic understandings of nationhood which are relevant for understanding citizenship. As the Dutch and Swedish cases make clear, for example, socio-political interpretations of nationhood connected to welfare statehood have been decisive for legislation on nationality.

Second, classical republican understandings of nationhood, such as the ones found in France and the USA, may foster indifference towards dual nationality and, at the most, de facto toleration (de la Pradelle 2002 on France and Renshon 2001 on the USA). Yet more explicit forms of acceptance of dual nationality can be found in countries not typically associated with classical republicanism, such as Sweden. This suggests that other sets of factors, such as culturally pluralist policies may play a role. This means that understandings of national integration viz. nationhood usually have to be examined in conjunction with prevailing modes of immigrant policies, ranging from multicultural to assimilationist policies. In two of the cases considered – Sweden and the Netherlands – debates and conflicts around dual nationality arose out of efforts to further enfranchise denizens, i.e. to extend the franchise for certain categories of non-citizens from the local to the national level. And even in Germany the first legislative efforts to deal with multiple nationalities (1993) came in the aftermath of a failed attempt by two northern German *Länder* to introduce local voting rights for permanent residents. This finding indicates that dual nationality has to be interpreted as part of the broader question of which political rights

should be granted to immigrants and in what sequence. The general trend towards an extension of rights to non-citizen immigrants, which can be observed in Western Europe and North America since the 1960s, has led to a renewed discussion of political rights for non-citizens, and citizenship as a tool towards integration or a result of integration. Also, it has opened the question whether political citizenship rights such as the franchise on the national level should also be accessible to denizens (cf. Aleinikoff & Klusmeyer 2002: chapter 3). This development is part of discourses and actual policies surrounding culturally pluralist policies directed at immigrants. Both political rights for denizens and dual nationality have been conceived as part of minority policies in the Netherlands during the 1980s and multicultural policies in Sweden during the second half of the 1970s and during the 1980s. However, 'collectivist' minority policies have been replaced by 'individualist' socio-economic integration policies during the 1990s in the Netherlands, while multicultural policies have been re-interpreted as part of broader 'integration policies' during the same time period in Sweden. Central principles of cultural pluralism such as freedom of choice were simply classified under broader policy strategies without altering their principal meaning. This discursive difference and variation in policy orientation may partly account for the fact that the politics of dual nationality has become much more contentious in the Netherlands than in Sweden since the mid-1990s. In Sweden, embracing dual nationality has functioned as part of a strategy of what one may call 'nation-maintenance' (akin to earlier stages of nation-building), in which multicultural policies have effectively ensured assimilationist outcomes in the political realm. This is at least one way of interpreting consistent results from empirical research showing successful co-optation of immigrant politicians and organizations into the political mainstream – signalling the 'paradoxes of multiculturalism' (Ålund & Schierup 1990: chapter 6). In Germany, multicultural ideas and policies – in the sense defined above – have never gained much prominence in influential policy-circles outside the Green Party. Therefore, the proponents of tolerance towards dual nationality lacked a decisive discursive means in the debate.

Third, in certain cases citizenship has emerged as a common denominator for immigrant political insertion. This is true for countries such as Sweden and the Netherlands, and – not surprisingly – for more classical republican countries such as France and the USA. In Germany, the draft for a new (im)migration law also provided for education in civics as one of the central instruments for integrating newcomers. The diffuse concept of citizenship has thus come to serve as a rallying notion for diverging political viewpoints on immigrant insertion. Like the term 'integration' in general (cf. Favell 2001), the term 'citizenship' has come to combine analytical and normative aspects and goals of immigrant polici-

es in the political realm. For parties on the 'left' citizenship is viewed as an umbrella concept providing some unity to increasingly pluriethnic societies. For the 'right', the concept of citizenship serves to emphasize a common nation-hood, counteracting culturally pluralist tendencies. In sum, dual citizenship has become part of the trend towards a revalorization of full political membership in many immigration countries, and the resurgence of the 'good citizen', who is nowadays often conceived in a communitarian way.

Part Five: The Transnational Perspective
– Mutual Accommodation of States and Citizens

When it comes to citizenship the term 'transnational' signifies moving through political space and across boundaries of national states, with the implication of changing state-citizen relationships. In the case of dual citizenship, the ties between states and citizens have become more plural. They now reach across the borders of national states. This process involves mutual processes of adjustment on the part of both citizens and states. The increasing, albeit uneven, tolerance or indifference of states towards dual nationality signals that states have increasingly come to see multiple nationalities less and less as an evil to be avoided. This development is most clearly visible in the rejection of the renunciation requirement. Nonetheless, many immigration states have not come to see dual nationality as an intrinsic value which is desirable in itself. Instead, instrumental arguments about dual nationality as one of the mechanisms for political and social integration and moral arguments about gender equity have dominated public discussions on dual nationality in the respective national states.

On the part of (prospective) citizens, dual nationality may involve certain advantages, such as freedom of entry or as a mechanism for moving financial assets. The reasons for dual nationality are manifold. They might not be a matter of individual choice at all, as most cases arise from mixed marriages. This category constitutes by far the largest group of dual nationals. The meaning individuals give to dual nationality may vary widely. Dual citizenship could be an expression of the avoidance of fixation to one country and the desire to keep political options flexible (cf. Koslowski 2001). However, dual nationality may also signal the congruence of national citizenship with continuing homeland affiliation and increasing political participation in the immigration country. Yet another possibility is that it is an expression of ambivalent political identity, the almost proverbial 'neither here nor there'. This may involve the retention of emigration country ties and the opportunistic acquisition of immigration country citizenship. Or, it may be primarily related to instrumental economic activity, as for those persons purchasing the nationality of a Caribbean island.

This short and incomplete list of motivations for acquiring dual nationality

already suggests that transnational political activism on the one hand, and dual nationality and dual citizenship on the other hand, do not necessarily go hand in hand. Both can be quite separate phenomena. Nonetheless, initial evidence on one type of dual citizens – transnational political activists – indicates that the very embeddedness in national contexts is a constitutive element for successful transnational collective action. As already observed over a century ago, there is often a great potential for transboundary political mobilisation among international migrants and immigrants (Hanagan 1998). A major difference between today and the turn of the 20th century, however, may be that today, in addition to nationalist activists or diasporists and ethnic business people and their associates, there is probably a greater proportion of groups concerned with human rights and fundamental rights issues. Transnational political action is enhanced through the national rootedness of activists in national contexts. It is quite possible that most functional activists are not merely internationally oriented cosmopolitans (cf. Tarrow 1996). This means that transnational political participation and national embeddedness constitute each other; at least in this particular instance.

The manifold uses and meanings attached to dual nationality suggest that states and citizens have engaged in mutual processes of accommodation around the multiple ties reaching across the borders of national states. Immigration states have responded in flexible and pragmatic ways to the increasing transnational ties of their citizens. This claim can be exemplified by the responses to the challenge posed by multiple nationalities to the democratic principle 'one person, one vote' and the regulation of conflicts arising out of loyalties to multiple states.

In principle, dual citizens have the right to vote in two countries. At first sight, this situation seems to violate the principle 'one person, one vote'. This is an important element of democratic legitimacy. First, however, overlapping membership does not violate equal political liberty. This is so because dual citizens have voting rights in states formally sovereign and independent. These states lack a common political authority. This would be different in multiple-level governance systems with a central government. This could be the case in the EU in some future time – for example, when a common government in Brussels will be based upon popular elections. Multiple votes on the same level – e.g. member states – could then indeed lead to inequalities between citizens. Imagine a dual citizen who votes in both France and the UK. True, in such a future scenario, this dual citizen would have more than one vote within the EU polity. Yet, second, fears of multiple voting and participation are vastly overdrawn for really existing political systems. Empirical research shows that even highly mobile persons such as the proverbial 'astronauts' – businesspeople from Hong Kong

whose families prefer to live in North America – have a definite geographical center of their life (e.g. Wong 1997); in spite of or perhaps indeed because of their cosmopolitan lifestyle. Third, in cases in which duties of citizens may conflict, bilateral arrangements or even the instrument of dormant citizenship are available. Dormant citizenship means that citizens can activate full citizenship only in the country of actual settlement, while full rights and duties in the partner country are temporarily suspended until the person relocates the place of habitual residence. In practice, states easily implement dormant citizenship through bi- and multilateral treaties. The agreements between Spain and twelve Latin American countries are just one case in point (Chavez 1997: 141).

A recurring concern about dual nationality has been the charge dual citizens' loyalties are torn in case of war between the respective countries of membership (Aron 1974). The decreasing relevance of this challenge arises out of two developments. First, the loyalty nexus between universal conscription and nationality is becoming less and less relevant, as many liberal democracies reorganize their armed forces into voluntary and professional armies. For the past, the argument could muster somewhat more support because 'nation-building' sometimes involved a trade-off between the right to vote and compulsory military service (Bendix 1996: 114). Second, all empirical evidence indicates that new citizens are the ones who are most eager to show loyalty to their new home country in case of war (Hammar 1989: 90). As to populist reactions against lacking loyalty, these have been usually directed against certain categories of new citizens, not against dual citizens in particular; take the discrimination directed at German-Americans during World War One and Japanese-Americans during World War Two in the USA. Pragmatic solutions to the loyalty nexus abound: There are a host of bilateral agreements regulating military service.

In sum, the transnational perspective on dual nationality is bifocal. It indicates that dual nationality, expressed in tolerance towards interstitial ties, is constituted by national citizenship and transnational practices. Both are mutually constitutive and hence involve mutual accommodation of citizens and states. The transnational perspective deflects overdrawn hopes and overblown dangers and leads to the center of dual citizenship's function: the representation of citizens' border-crossing ties and the significance of citizens' genuine links for their integration into political communities.

Outlook: Towards a Description of Dual Citizenship as a Path Dependent Process

Globally, the tolerance towards dual nationality has increased steadily over the past few decades, albeit at a very uneven pace. The factors driving this growing tolerance point towards changes in basic factors enabling and structuring immi-

grant political incorporation in many immigration countries. To draw on a metaphor used for immigrant assimilation, this 'bumpy-line' (Herbert Gans) trend towards increasing tolerance constitutes a path- viz. tree-dependent development. There is no reason to suppose that the development of dual citizenship has to unravel as if ushered along by some historical teleology, a charge often advanced against T.H. Marshall's triadic stages of the subsequent development of civil, political and social rights. Nonetheless, there is evidence to surmise that citizenship development has been shaped by significant developmental pressures.

To describe the growth of tolerance towards dual nationality as a path dependent development means to specify the 'positive' feedback effects (what economists call "increasing returns") driving this development (Pierson 2000; cf. Maruyama 1963). The adequate metaphor may be not so much a path but that of a tree. The branch of a tree on which a climber begins is the one she tends to follow (Levi 1997). The basic idea here is that once collective actors such as states and state organizations have started down a track, the costs of reversal are very high. There will be other choice points, however, at which decisions have to be taken. A path- viz. tree dependent effect occurs when a previous decision, norm or rule reinforces itself, when it determines in part the subsequent development of events. Decisions taken by national states and international organizations, over time, limit the range of available options at subsequent points. In so doing, they may encourage continuity in the form of retention of the original choice. All three analytical perspectives employed before help to shed light on this cumulative process – the postnational, national and transnational lenses.

When viewed from a postnational perspective, nationality has emerged as a human right. This meant, for example, that dual nationality has become one of the means to combat statelessness for categories such as refugees. Also, the norm of gender equity has ensured that dual nationality has spread, especially when combined with the principle of jus soli. More specifically, the right of independent nationality for married women and the opportunity of either parent to pass on nationality to their children have left their mark. This set of factors already indicates that it is rather misleading to identify the crucial factors in either postnational or national environments. After all, the norms enshrined in international conventions and organizations are basic rules also found in national constitutions. Supranational developments further show how postnational and national levels are interlinked, such as mutual recognition of nationalities within member states of the European Union. Such measures make it increasingly harder to exclude immigrants from so-called third countries from dual nationality within national states. As debates in several countries suggest – Sweden, the Netherlands, Germany and now also Switzerland – granting dual na-

tionality to nationals abroad makes it harder to exclude immigrants from the same benefits. This suggests that fairness as 'evenhandedness' (Joseph Carens) plays an important discursive role in the expansion of tolerance.

From a national perspective, the extension of denizenship status and cultural pluralism in many western European countries since the 1970s has brought the question of political rights and the franchise to the fore. This has been helped by developments identified through the postnational perspective, the emergence of nationality as a human right and rights for denizens. Dual nationality has become one of the legitimate means to achieve the congruence between the resident population and the people (*demos*). As the national case studies indicated, the questions of denizens' and citizens' rights were inextricably interlinked in debates on dual nationality. In those countries where dual nationality became a matter of political debate and legal regulation, efforts to extend the franchise to non-citizens on the local and national level preceded those on multiple nationalities. In short, both denizenship rights and tolerance towards dual nationality have served as entry points for advocates of immigrant rights to advance the political incorporation of immigrants. 'Multicultural policies' directed at immigrants, taken together with understandings of nationhood connected to political equality, have resulted in a similar outcome. They have, at least discursively, expanded the range of legitimate ties immigrants may hold. In sum, norms regarding gender equity and the jus soli-rule of attributing nationality have created the platform upon which other factors such as denizenship and cultural pluralism have come to play a role – propelling tolerance towards dual nationality.

Yet there has been a relative silence of political debates in the cases analyzed when it comes to the transnational aspect of dual nationality. The absence of considering the potentially transnational life-worlds of immigrants and their children in continental European debates is not surprising because national discussions have been dominated by dual nationality as a means of national political incorporation. After all, the main proponents were advocates of immigrant rights, not so much immigrant (political) organizations themselves. Largely outside public debates, states have found multiple ways of regulating various aspects such as voting and conflicts arising out of multiple loyalties. This does not mean, however, that an implicit recognition of transnational life-worlds by states has not been important in processes of mutual accommodation between states and citizens.

In the case of dual nationality, we can identify two mechanisms engendering tree-dependent effects. In particular, lock-in and disincentive mechanisms and their effects have resulted in the 'stickiness' of the policy tree. First, the lock-in mechanism means that certain options are rendered almost wholly unattainable by original choices made. An example for this is the norms of gender equity and

jus soli. Taken together, these two principles have resulted in a pervasive growth of dual nationality in the attribution of political membership by marriage, birth and family formation. It is hard to imagine that such principles will be reversed because they are partly enshrined in national constitutions *and* international conventions. Second, a disincentive effect means that original choices make future options not impossible but deeply unattractive to policy-makers. For example, while efforts aiming at culturally pluralist policies towards immigrants are prone to reversal, policy-makers often have not done so. Instead, they have relabeled 'multicultural' into 'integration' policies without a change in substance (e.g. Sweden), or refocused efforts from politico-cultural 'minority' policies to socio-economic 'integration' policies (e.g. the Netherlands).[11]

Path- or tree dependent developments are not immune to reversal. In general, this means that choice points and alternatives exist (cf. North 1990: 98-9). In principle, there are two mechanisms which could lead to a reversal, exogenous shocks and learning. First, it is easy to imagine that factors exogenous to the law and politics of nationality and citizenship impinge on their development. The most obvious are armed conflicts between national states which form international migration systems. Although historical comparisons need to be handled with utmost care, it is suggestive that during World Wars the public loyalties of immigrants became a matter of concern. Although more recent wars between immigration and emigration countries have not (yet) led to public debates about the loyalty of immigrants, it is not unconceivable that prolonged interstate tensions result in similar outcomes. The second mechanism – 'learning' – can be easily observed. The Dutch case is particularly instructive in this regard. For some years during the 1980s, the franchise for denizens and dual nationality were seen as instruments of overall immigrant integration, even beyond the political realm. Later, however, some parties declared the focus on cultural minority policies a failure and, in essence, the emphasis of public policies shifted to socio-economic integration into labor and housing markets. Concomitantly, during the 1990s, goals such as the congruence of the resident population and the people and instruments such as dual nationality became more contested, as criteria such as the alleged effectiveness of incorporation policies (output-legitimacy) gained in importance.

To conclude, the spread of dual nationality as a tree-dependent process may very well run its full course under the propitious circumstances of supranational integration. Immanuel Kant once drew attention to the alternative of a "federation of free republics" on the level of states to avoid the twin dangers of global tyranny, on the one hand, and the anarchy of sovereign states, on the other (Kant 1984). Applied to the case at hand, dual citizenship would interface the world of states and world society by institutionalizing the border-crossing,

overlapping social and symbolic ties among citizens and between citizens and states. Seen in this way, dual citizenship as overlapping political membership does not constitute a break with the Westphalian system of state sovereignty (cf. Bull 1977; Ruggie 1993) – but may be a mechanism in post-Westphalian systems such as the European Union to advance the integration of national and supranational forms of membership in political communities. Indirectly, the nationally distinct modes of immigrant political incorporation would then continue to be shaped by varying yet increasing degrees of tolerance towards and even acceptance of dual nationality. It is by no means clear, however, that such a sanguine perspective is warranted. The key assumption behind such an optimistic scenario, namely a rather peaceful state system, is historically contingent, applicable to certain regions of the world only, and continuously changing.

NOTES

1   Most efforts have included the respective understanding of nationhood as a central context for immigrant incorporation. Other factors have been included, such as nationality & citizenship rules, and the type of immigrant policies. All this work has been based on the often only implicit assumption that political incorporation and immigrant participation of different immigrant categories across Europe resembled those adopted by other immigrants in the same immigration country more closely than those adopted by immigrants of the same national origin in another immigration state. The first step in this development was a dichotomy between republican and ethno-cultural understandings of nationhood (Brubaker 1992). A second step brought in the cultural rights dimension, resulting in a threefold typology of ethnic/exclusive, republican/assimilationist and multicultural/pluralist regimes (Castles 1995). In a further step, the set of logical possibilities based on the dimensions of nationhood and cultural rights was completed in combining the dimension nationhood (republican/ethno-cultural) and cultural rights (multicultural/assimilationist). This culminates in four ideal typical outcomes: ethnic assimilationism, ethnic segregationism, civic republicanism, and civic pluralism (Koopmans & Statham 2000).

2   In general, it is certainly no coincidence that many emigration states have also changed their laws to permit dual nationality even upon naturalization in an immigration country. Other measures include the re-naturalization of former citizens and eased access to property and heritage for former citizens. Such countries include Mexico, Turkey, Tunesia, El Salvador, Colombia and the Dominican Republic (cf. Freeman & Ögelman 1998).

3   We aim towards a more comprehensive analysis in an ongoing project on the politics of dual citizenship Europe, "Multiple Citizenship in a Globalising World" (Volkswagen Stiftung, 2002-2005). In this project we compare the politics of three immigration countries – Germany, Sweden and the Netherlands – and two emigration countries – Turkey and Poland. The Bremen project team consists of Jürgen Gerdes, Beate Rieple and Thomas Faist. The case studies are coordinated by the following persons: Sweden by Mikael Spång (IMER, Malmö), the Netherlands by Kees Groenendijk (Law, Nijmegen), Turkey by Eyüp Özveren (Economics, Ankara), and Poland by Marek Okolski (Sociology, Warsaw). In order to bring in the migrants' perspectives on dual citizenship and thus a transnational approach, a supplementary project is planned to focus on the view 'from below'.

4　The literature on immigrant political mobilization and participation is voluminous. We can think of a long list of methodological and conceptual approaches. An incomplete list includes studies based on network methodology (e.g. Fennema & Tillie 1999), rational choice (e.g. Diehl et al. 1999), new institutionalism (e.g. Ireland 2000), normative political theory (e.g Bauböck 2001) and discourse analysis (e.g. Triandafyllidou 2000). Among the most promosing synthetic approaches is work grounded in research on social movement mobilization.

5　In principle, there is a third postnational perspective which may be called global or cosmopolitan democracy (cf. Held 1995). The implicitly subordinate importance of dual vis-à-vis postnational citizenship becomes even more apparent in using this perspective. Such a consideration aims to bolster interstate and supranational organizations and regimes 'from below', or to go even further in creating a confederal framework for politics on a global scale. In essence, global democracy strives to replace or at least complement territorial with functional criteria of governance. Global democracy means to ensure that the citizens affected by border-crossing phenomena in obvious areas, such as economic transactions and military threats, have a vote in the decision making process. The view of democracy most congenial to this effort, deliberative democracy, tries to embed the expressions of world society, such as transnational organizations and social movements, into the world of states by attributing individual rights to citizens across states. However, emerging visions of global democracy cannot yet point to a feasible political community to which the citizens of the world should feel attached. In sum, it is hard to imagine a quantum leap from the sovereign state level to the world level.

6　Art. 15 of the Universal Declaration of Human Rights covers, strictly speaking, three distinct rights: first, the right to have a nationality; second, the right to retain one's nationality or rather not to be arbitrarily deprived of one's nationality; third, the right to change one's nationality (Chan 1991: 3)

7　The reality of law has been more tolerant than the letter. For example, there are crude estimates that more than a quarter up to one third of all those naturalized in Germany in the 1970s and 1980s – apart from ethnic Germans – kept their former citizenship and thus were dual citizens. In 2000, already more than 40% of all naturalisations in Germany occurred under maintenance of the original citizenship.

8　The summary of the German case is based on the studies of Jürgen Gerdes and Beate Rieple (2002b); the sketch Swedish case draws on the work by Mikael Spång (2002); and the short analysis of the Dutch case on Betty de

Hart (2002).

9   A republican understanding of nationhood is based on the premise that government in a republic is in principle the common business (res publica) of the citizens, conducted by them for the common good. The concept of nation is focused on a state (Staatsnation), in which citizens run their own affairs. Inclusion of all permanent residents into the nation and thus nationality is seen as a basis for public mindedness. Access to nationality is based on the subjective avowal of loyalty of individuals to the nation. In this sense republicanism strives to ensure an optimum of equal opportunities regarding political participation for all those (permanently) residing in the territory of a state. According to this definition, republicanism does not necessarily mean that public affairs should take precedence over the citizens' private life. An ethnic understanding of nationhood also holds that government is based on popular consent and participation. Yet, in contrast to a republican understanding, the nation is focused on the idea of a common culture (Kulturnation); historically even preceding statehood. Inclusion into the nation is traced to common descent, cultural traditions or lineage. There is less scope for persons for making their own decisions on the issue of nationality. Political participation and opportunities are seen and interpreted as an issue of intergenerational continuity.

10 Multicultural policies are based on the assumption that a person's possibility to uphold her own cultural traditions, language and religion is crucial to personal identity and self-confidence and therefore a precondition for successful economic, social, cultural and political integration. Multicultural policies include various forms of public support for immigrant organisations and their cultural practices, the provision of the immigrant languages in schools and rights concerning their religious freedom and practices. Assimilationist policies, by contrast, aim towards the melting of immigrants into the majority core of an immigrant state viz. society. No special provisions for immigrants are desirable in the political or cultural realm in order to foster their integration into the mainstream.

11 Of course, it would probably be much harder to study such mechanisms in cases where public debates on dual nationality have been absent (cf. Hansen 2002 on the UK).

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APPENDIX 1

Figure 1: Access to Nationality in Germany, Sweden and the Netherlands (after 2000)

	Germany	Sweden	The Netherlands
As-of-right naturalization	after 8 years of residence; conditions attached: no welfare dependency; language test: evidence of sufficient knowledge of German	as-of-right after 5 years of residence (5 years for citizens from non-Nordic countries; 2 years for citizens from Nordic countries)	as-of-right after 5 years of lawful residence; conditions attached: ability to conduct a simple conversation in Dutch was deemed sufficient (until recently); criterion of "being incorporated" did not play any role in practice; now: language proficiency and citizenship courses required
Second and subsequent generations	jus sanguinis; jus soli, provided that one parent has lived for eight years in Germany or holds a permanent residence permit for at least three years (since 2000); also: educated in Germany for 8 years for second generation (since 1991)	jus sanguinis, coupled with socialization principle for those born or raised in Sweden	jus sanguinis & limited form of jus soli: option right (since 1984); foreign children born in the Netherlands have an 'option right'; they can acquire Dutch nationality by unilateral declaration between the ages of 18 and 25
Dual nationality	accepted for ethnic Germans; and in specific circumstances, such as economic loss involved or when country of origin does not allow expatriation; 'optional principle' if the child obtains the parents' nationalit(ies), she must give up the non-German nationality before reaching the age of 23	dual citizenship explicitly allowed since 2001; no requirement to renounce former nationality; before 2001, the rules were as restrictive as in Germany	dual citizenship allowed as a rule (1991-97); since then a wide range of exceptions; further restrictions are now (2003) widely discussed

APPENDIX 2
IMMIGRANT POLICIES IN THE POLITICAL-CULTURAL SPHERE

Figure 1: Dimensions of Political-Cultural Integration Policies

Integration policies aimed at / Realms of Integration	Individuals	Collectives
Political	• right to vote for resident non-citizens (denizens) in local elections	• immigrant groups represent their interests in elective councils, advisory bodies, corporatist arrangements
Cultural	• right to mother tongue instruction in public schools • extension of fundamental human and cultural rights, such as special rights to exercise religious practices (e.g. right of female teachers to wear the headscarf-hijab)	• representation of the traditions, culture, religion of immigrant categories in curricula and state institutions (example: Islamic religious classes in state schools) • state recognition and subsidies for immigrant groups in education (example: state recognition and funding of Islamic schools)

Sources for Figures 2-4: Hammar 1990; Vermeulen 1997; Gerdes & Rieple 2002b; Spång 2002; de Hart 2002; Rath et al. 2001.

Figure 2: Political-Cultural Integration Policies in Germany

Integration policies aimed at / Realms of Integration	Individuals	Collectives
Political	• There is no local franchise for denizens. Some northern German states wanted to introduce local voting rights along the lines of the Dutch model. The Federal Constitutional Court ruled in 1989 that "all power derives from the people"- only German citizens can be considered part of the people.	• There is an extensive system of special representation of immigrants as foreigners on the local level; in ca. 400 communities. Non-citizens can vote for a candidate of their choice from one of the lists organized on the basis of nationality. However, these bodies have merely advisory power. Partly, they have additional rights to be informed and consulted before decisions that concern non-citizens.
Cultural	• The financing of homeland language instruction differs from state to state. Immigrant groups themselves are split over the question (e.g. Poles). Some states only offer the infrastructure of the school (Berlin, Bavaria). Other states provide full state financing (Hesse, Lower Saxony). • The situation still up in the air. On the one hand, there are now about ten schools in several states, where teachers have been allowed to wear the headscarf during classes. On the other hand, one case is still pending at the Federal	• Only religious denominations which are publicly recognized as "corporations of public law" have the right to organize religious classes in state schools. Up until now this right has been granted to a Muslim organization in Berlin. In Bavaria and North-Rhine-Westphalia religious instruction is geared towards students from Turkish immigrant families, either organized in cooperation with Turkish authorities (Bavaria), or by regular state authorities (NRW). • Two primary schools recognized by the state (in Munich since 1982; in Berlin since 1995). There is some public funding, albeit on a lower scale than for state schools.

Figure 3: Political-Cultural Integration Policies in the Netherlands

Integration policies aimed at Realms of Integration	Individuals	Collectives
Political	• Since 1985 all foreigners who have lived at least five years in the Netherlands have voting rights on the municipal level, both active and passive.	• Immigrant representation both on the local and national level. In contrast to Germany, representative bodies are not elected but appointed by the government. Members of Dutch advisory bodies for immigrants sit on these councils as representatives of organizations of a specific ethnic group. There are separate representative bodies for different immigrant categories. The minister for integration is obliged to consult them on any matters concerning the groups in question. Also, there are similar advisory councils for religious minorities, such as the Dutch Muslim Council and the Hindu Council of the Netherlands.
Cultural	• Homeland language classes are fully paid by the state. • There is some ambiguity, as in Germany. On the one hand, court decisions in recent years have ruled in favor of wearing headscarves, provided that the woman in question is not religiously biased in her teaching. The Commission for Equal Treatment has played an important role, insisting on banning headscarf is an infringement of religious freedom. On the other hand, there are many schools in which teachers are not allowed to wear the headscarf (often on the insistence of Turkish parents).	• The number of confessional schools larger than that of state schools. Catholics and Protestants (and by extension all other religious groups) have obtained the right to found denominational schools. They are fully financed by the state on a fully equal basis with state schools. There are now 37 Islamic schools (the first one was founded in 1989. Nonetheless, the large majority of children from 'Muslim' families visits public schools.

Figure 4: Political-Cultural Integration Policies in Sweden

Integration policies aimed at Realms of Integration	Individuals	Collectives
Political	• Since 1976, denizens (being permanent residents after 3 years) have the right to vote in local and regional elections.	• In many municipalities there exist immigrant councils for questions concerning immigration and integration (*Invandrarrådet*). Moreover, many immigrant associations have an advisory role in local, regional and national authorities. Immigrant associations have become incorporated into the administrative system. There are, however, examples of immigrant and religious associations playing a more political role, e.g. the Swedish Finns' organizations.
Cultural	• Formerly, like in Germany, the justification for homeland language instruction was that children could feel at home in two cultures; nowadays the equal opportunities argument prevails. • Since the 1980s religious pluralism is stressed as much as cultural pluralism. The ties between the Swedish Lutheran Church and the state were severed in 2000. Before 1996, children born to parents who were members of the state church automatically became members of the Swedish Lutheran Church. Instead of voluntarily entering one had to actively exit it.	• Adoption of a new general curriculum in 1962: education in religion, covering all major religions in the world, replaced the old teaching in Christianity. Nonetheless, Christianity has retained a privileged position in teaching. State recognition and subsidies for immigrant groups in education (e.g. state recognition and funding of Islamic schools). • Introduction of a free school system in 1992. Nowadays, there are 685 free schools which are publicly funded. The majority of confessional schools are Protestant, but there are also Catholic and Muslim schools. Also, some of the linguistic and ethnic free schools, defined as Arabic, include an emphasis on Islam.

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Thomas Faist was Guest Professor in memory of Willy Brandt at IMER in Spring term 2003.

The Guest Professorship in memory of Willy Brandt is a gift to *Malmö högskola* financed by the City of Malmö, and sponsored by *MKB Fastighets AB*. It was established to strengthen and develop research in the field of international migration and ethnic relations, and to create close links to international research in this field.

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