

Introduction

DOUGLAS KLUSMEYER

DURING THE PAST DECADE, citizenship has become a salient issue for policy makers, scholars, immigrants, and the public at large. It has emerged as a chronic source of controversy in long-running debates over access to welfare benefits, criteria for naturalization, the legitimacy of plural nationality, and the accommodation of multicultural diversity. One major reason for this growing interest in citizenship matters has been the increasing scale and pace of international migration in a world organized geopolitically around the membership boundaries of nation-states. The citizenry of a nation-state or even of a supranational body such as the European Union is a membership association whose collective identity presupposes drawing lines between the included and the excluded.

The realities of global migration have forced all states to rethink not only their policies of admission, but also their allocation of rights, burdens, and benefits to citizens and other residents. The admission of immigrants with cultural heritages and historical experiences different from those of their host societies inevitably changes the fabric of these societies and requires a complex process of mutual adaptation. For states committed to the liberal-democratic ideal of the rule of law, this process must honor basic principles of human rights as set forth

The author would like to express his gratitude for comments on earlier drafts of this essay to T. Alexander Aleinikoff, Miriam Feldblum, Chikako Kashiwazaki, and Anne Rodsick.

in domestic constitutions and in international treaty instruments. No consensus exists over how these rights are to be understood or implemented, but they nonetheless provide the language through which differences must be negotiated.

This book arose out of the Comparative Citizenship Project of the Carnegie Endowment's International Migration Policy Program. The overarching purpose of this project is to investigate and evaluate how different citizenship policies have been used to promote social cohesion in modern liberal-democratic states that have experienced large-scale immigration. To meet this purpose also requires examining those policies that have (unwittingly or not) most fostered the marginalization and exclusion of immigrant minorities within their host societies. Citizenship policy is, of course, only one factor that affects the opportunities of immigrants and their successful incorporation into their host societies, but it can be a highly significant one both as an indicator of a host society's commitment to facilitating inclusion and as a means of securing the status of newcomers. Failure to define transparent and fair membership rules risks creating different (and almost by definition unequal) classes of membership, with significant potential to undermine social cohesion.

As part of this project, the International Migration Policy Program commissioned the authors of these articles to analyze trends in each country's citizenship policies, examine the special challenges to and features of these policies, and provide a common basis for comparative evaluation. The authors of these studies were asked to examine a common set of issues in the development of the legal rules (judicial, legislative, or administrative) that govern citizenship policy, such as rules concerning the acquisition of citizenship, the rights of aliens, the issue of plural citizenship-nationality, and general strategies employed to enhance social cohesion. The essays show that any concrete understanding of these rules must situate them within the distinct historical contexts of the particular countries addressed. Choices among citizenship rules are usually shaped more by historical experience, existing cultural norms, and expedient political calculations than by deduction from abstract principle or compelling reasons of logical consistency.

The kind of comparative perspective offered here makes it possible to rethink long-held policy assumptions, to identify policy alternatives, and to assess the costs and benefits of these alternatives. Moreover, although citizenship matters fall formally under the legal jurisdiction of individual states, the policies of one state may have significant implications for the citizenship laws and legal status of aliens of other states—for example, with respect to plural nationality. In today's global migration system, the line between domestic and international spheres is becoming increasingly blurred.

This volume of essays is divided into four sections with a brief separate introduction of each section. The first section focuses on three so-called classic lands of immigration: Australia, Canada, and the United States. This designation reflects, in part, the historical reality that the overwhelming majority of their populations are immigrants or the descendants of immigrants and, in part, the dominant national self-understandings of these countries. They have welcomed immigrants as a source of economic growth and demographic expansion, but their histories are also replete with policies of discrimination and restriction based on race, ethnicity, and gender. Since the end of the Second World War, Australia and Canada have experimented most boldly with policies that promote inclusion through the positive recognition of multicultural differences. During this same period, the United States has opened its admissions policies to immigrants from all points of the globe, which has dramatically enhanced its polyethnic diversity. Nevertheless, the United States has (at least formally on the federal level) always taken a *laissez-faire* approach to the problem of promoting the inclusion of immigrants amid rising multicultural differences.

The second section comprises essays on three sets of “emerging” states: the Baltic states, the Russian Federation, and South Africa. We have grouped them together under the rubric “emerging” because they have all been undergoing radical transformations over the past decade in a quest to develop stable liberal democracies in new circumstances. For these states, immigration has posed a much more complex and difficult challenge than for the classic lands of immigration discussed in the first section, because the risks of fragmentation and disorder are more grave and immediate. In the classic lands of immigration, for example, the issue of plural citizenship can usually be safely treated as a minor concern that does not now directly threaten national solidarity or security—whatever public controversies this issue may periodically incite. By contrast, the recent achievement of independence by the Baltic states and the presence of a sizable Russian minority in each of them makes the potential problem of divided loyalties and conflicting duties that holding plural citizenships may raise seem much more palpable to many. All three of these studies demonstrate not only the importance of membership questions in defining the character of liberal-democratic orders, but also the crucial context that the structure of a particular civil society gives to the meaning of any membership status. Can a shared civic commitment to liberal-democratic norms provide a basis for bridging differences of race, ethnicity, and culture? That question is a major challenge that anyone sharing this commitment must address.

The third section focuses on Israel and Japan. This classification brings to the fore the strong ethnic dimension of these states’ dominant national self-understandings, but the presence of this dimension is scarcely unique to these

states. Perceived shared bonds of ethnicity and race inform (to greater or lesser degrees) nearly every country's national self-understanding, and differences in such perceptions have long been a potent source of conflict within countries as well as across officially drawn national borders.

Israel qualifies as much as any state to be included as a classic land of immigration. Its existence and development have depended upon immigration, but immigration targeted toward a specific, ascriptively defined group of immigrants to forge a national homeland. Israel's Law of Return makes this goal explicit, but it also raises troubling questions about the status of other groups in Israeli society. By contrast, post-Second World War Japan has never recruited (or permitted) immigrants to settle on a large scale. The economic dimension of the international migration system is driven as much by the need to fill domestic labor market niches as by the desire of immigrants seeking better opportunities. The post-Second World War Japanese economy has not relied heavily on the importation of foreign labor, in part, perhaps, because of its interest in preserving a perceived national homogeneity among its people. Since the 1980s, however, a popular belief has emerged among many Japanese that their country has been experiencing immigration for the first time. This belief demonstrates how easily past patterns of labor importation can be forgotten, because during its Imperial period Japan did permit entrance of large numbers of Koreans as colonial migrants and as conscripted foreign labor toward the end of the Second World War.

The fourth section, *National and Supranational Identities*, contains essays on the European Union and Mexico. The European Union (EU) has often been held out as the prime example of a newly emergent supranational body that binds together a collection of member national states within an international framework. Is the EU the harbinger of a trend toward new forms of transnational membership that will supercede the importance of citizenship within particular nation-states, or is it little more than a device to reduce market barriers to the flows of labor, trade, and capital? No one now can answer this question definitively, but the recognition of a common EU citizenship illustrates how issues of national membership are becoming inseparably tied to larger regional and international contexts.

The North American Free Trade Agreement (NAFTA), entered into by Canada, Mexico, and the United States, may be the first step toward a broader institutional and political integration among these states, but at this stage it is no more than a commercial arrangement designed to liberalize the flows of trade and capital. As a major sending country to the United States, Mexico has an understandable interest in the welfare of its emigrants there. The Mexican government's recent change in its nationality law to facilitate the acquisition of U.S.

citizenship without sacrificing Mexican nationality suggests further how transnational linkages among such regional partners are growing.

To highlight points of comparison among these country studies, this introduction will focus on two central issues in the acquisition of citizenship. As this introduction seeks to show, however, these issues are inseparable from broader policy concerns over citizenship and the promotion of social cohesion among liberal-democratic states.

Acquisition of Citizenship through Birth or Descent

The essays assembled in this volume all grapple with the most fundamental questions of citizenship: how individuals acquire it and what rights attach to it. To answer these questions requires first stipulating the criteria that determine eligibility for citizenship, the processes through which it is obtained, and the requirements that govern its acquisition. The vast majority of individuals acquire citizenship through three primary means: by birth on the soil of the sovereign's territory (the principle of *jus soli*), by descent according to blood kinship (the principle of *jus sanguinis*), and by naturalization through formalized legal procedures. Citizenship may also be obtained through marriage, adoption, or other specialized circumstances.

Modern states often employ some variation of all three of the primary means to satisfy different purposes. Even those states that have adopted the principle of *jus soli* in its broadest form have still recognized a need to combine it with elements of *jus sanguinis*. The children of U.S. citizens born outside of its territory, for example, receive their parents' citizenship by virtue of descent. Those who acquire U.S. citizenship in this manner cannot transmit it to their children through *jus sanguinis* unless they have previously established residence in the United States. Stipulating residence as a criterion for the acquisition of citizenship reflects a larger issue over the degree and substance of the connections that should be necessary between a polity and its citizenry. The residence requirement is a connections test designed to prevent the transmission of citizenship across generations to descendants who have no substantial tie with the United States.

Australia, another traditional country of immigration, also limits the transmission of citizenship by descent to children born outside its territory to those who have at least one parent who had acquired Australian citizenship other than by descent or who had resided in Australia for at least two years prior to registration of the child at an Australian consulate as an Australian citizen. Canadian

citizens can transfer their citizenship to children born outside its territory, but where the parent has acquired citizenship in this manner the child may lose his or her Canadian citizenship if the child fails to register with Canadian authorities before the age of twenty-eight.

Not all states apply this kind of connections test. South African citizens, for example, may transmit this status to their children born outside the Republic for generations. There are no apparent residency requirements or cutoff provisions. The open-ended nature of such acquisition rules may affect only a small minority of South African citizens, but these rules ask us to consider how the relationship between a polity and its citizens should be understood. By contrast, naturalized Mexican citizens may forfeit their Mexican citizenship if they reside outside of Mexico for more than five years.

As the studies in this volume show, the state's choice of means for acquiring citizenship has important consequences in promoting the inclusion or exclusion of persons and groups within a polity. In his evocative contribution to this book, Donald Galloway elucidates the core issues that any liberal-democratic society must face in making citizenship policy. The most fundamental issue turns on the question "Who belongs?" As Galloway's discussion of Canadian citizenship makes clear, there is no simple way to answer this question. He points out that throughout the twentieth century two competing visions have driven debate over these matters among Canadians, and among many outside of Canada. The first, which he labels "collectivist" or "nationalist," has emphasized the role of citizenship as a tool for promoting social cohesion and preserving common traditions. Proponents of this vision have argued for the importance of enhancing a distinctive shared national identity that links the citizenry together as a community and enables citizens to participate in a common way of life. This vision highlights a central dimension of citizenship as a means by which societies "re-generate" themselves through the inclusion of new members, whether by birth or migration, while maintaining connections with their historical pasts.

A second competing vision, which emphasizes equal respect for individual dignity and the right of persons to pursue their own private ends, has deep roots in modern Western liberal thought. This vision, as Galloway argues, has become integral to conceptions of political membership where the principle of subjecthood, based on a bond of subservient allegiance, has given way to one of citizenship, based on a notion of sharing in sovereignty. Any principle of justice that grounds the vesting of rights as an entitlement of individual personhood necessarily implies a universalism of this criterion; that is, it should apply equally to all persons irrespective of their particular membership status. But such rights can only be effectively guaranteed and exercised within distinct, political bodies of which the individual is a recognized member.

Galloway's observation that questions of citizenship are always inextricably bound to larger issues of sovereignty, national identity, the framework of political order, and individual liberties is surely correct. The salience of all these issues to citizenship policy is abundantly evident in the ten other essays in this symposium. Like Galloway's, these essays demonstrate the importance of examining a state's citizenship policies against its particular historical context rather than as a mere matter of general legal principles or theoretical deduction.

Lowell Barrington addresses the particular challenges facing the Baltic states. After regaining their independence, these states have had to balance a strong interest in reconstituting their national unity around an ethnic model of nationhood against the need as self-proclaimed liberal-democratic states to respect the rights of minorities who entered during the era of Soviet annexation. In contrast to traditional countries of immigration such as Australia, Canada, and the United States, which have been guided by a positive valuation of immigration as necessary for desired demographic and economic growth, the Baltic states have had to adjust to the legacy of immigration during the period of Soviet domination. The Baltic states have chosen to emphasize an ethnic understanding of nationhood, which assumes that shared ties of culture, ancestry, and historical destiny are fundamental to the definition of collective identity. Their interrupted status as independent states heightens the significance of ancestry and historical precedent as a criterion for citizenship acquisition.

In examining the implications of an ethnic understanding of social membership, however, Barrington cautions against drawing too simple an equation between an ethnic understanding of the nation and an exclusivist citizenship policy aimed at minorities of a different ethnic character. Such a reductionist equation obscures other important factors that shape citizenship policy, notably the role of choice exercised by policy makers in deciding among policies. As a case in point, Barrington highlights the different approaches toward citizenship adopted by Lithuania and Latvia. The political elites of both countries, he observes, perceive their countries in highly ethnic terms, but Lithuania's citizenship policy has been notably more inclusive than Latvia's. Despite their ethnic understanding of national identity, Lithuania's leaders have by this account displayed a genuine commitment to the promotion of "inter-ethnic harmony" and to the legitimacy of minority claims to membership in the Lithuanian nation.

Lithuania took the key step toward a broadly inclusive citizenship policy just before its independence from the Soviet Union. A 1989 citizenship law, for example, granted automatic citizenship to all permanent residents who had been born in Lithuania or with a parent or grandparent who had been born there. This law, Barrington observes, was "strongly based on the principle of *jus soli*. . . ."

After regaining independence, the Lithuanian government in 1991 tightened citizenship acquisition requirements, but it did not revoke citizenship from those persons who had received it during the Soviet annexation.

Since regaining their independence, all three Baltic states have emphasized to varying degrees *jus sanguinis* as the basis for acquiring citizenship. The Lithuanian Parliament, for example, in 1991 enacted a new law that rescinded the right to automatic citizenship of all permanent residents. It restricted this right to persons who had either been citizens before 1940 (and their descendents) or had been lawful permanent residents from 1919 to 1940. Yet, the Parliament did not revoke citizenship from those persons who had received it during the annexation era. It also provided for the restoration of Lithuanian citizenship to individuals who had been Lithuanian citizens during the annexation period but who now resided in another state.

As Barrington notes, the danger that an emphasis on descent over place of birth or residence could have strong exclusionary effects on minorities in the political system has been exemplified in Latvia. After independence, the Latvian government recognized citizenship only of those individuals (and their descendents) who had held citizenship before annexation. It further refused to enact any provisions for naturalization. As a result, most minorities have been ineligible to vote in elections for either local or national offices.

These former soviet bloc countries seek to address issues of citizenship within their own carefully defined borders on a national level. On a broader level, as George Ginsburgs demonstrates, the Russian Federation as the successor to the Soviet Union has had to meet even larger challenges in developing a common citizenship policy acceptable to all its member states. One of these challenges, notes Ginsburgs, lies in the unique historical legacy of Soviet membership imposed from above. The Russian Federation's policy, for example, proceeds from the premise that, ideally, the shared citizenship of the parents should be the decisive factor in determining the citizenship of their children. That is, parental lineage is a more important criterion than place of birth. In accordance with international legal norms that disfavor statelessness, however, the Russian Federation also grants citizenship to children born within its territory whose parents were citizens of other republics that once formed part of the Soviet Union and where current member republics have declined to confer their own citizenship.

In this way, the Russian Federation seeks to fill the gap for children denied citizenship within member republics. By contrast, the European Union offers no provisions to confer EU citizenship to children born within its territory who have not acquired the citizenship of a member state. The conferral of EU citi-

zanship depends entirely on an individual's status as a citizen of a member state, irrespective of differences among member states in their citizenship acquisition policies.

In the case of both the Russian Federation and the European Union, their citizenship acquisition policies reflect ambiguities in the past and present political and legal relationships of member states to the polity as a whole. In both instances, member states remain jealous of their sovereignty within their broader supranational frameworks. Ginsburgs persuasively argues that preserving a unitary federation-wide citizenship with primacy over member-state citizenship is key to maintaining the institutional integrity of the Russian Federation. He leaves open the question of whether the Russian Federation will be able to withstand challenges from member states seeking greater control over their own citizenship policies.

Marco Martiniello discusses similar challenges to the supranational integrity of the new European Union citizenship. He points to the great irony that just when a supranational "European citizenship" has finally been codified through the Maastricht and Amsterdam Treaties, EU member states may now cling ever more insistently to controlling their own national citizenship policies as one of the few areas remaining to them to exercise their own autonomous sovereignty. Where one might think that the recent creation of a common European currency was a decisive step in the promotion of European unity, such a transfer of authority may impel member states to attach even more significance to national citizenship as a symbol of national sovereignty.

By contrast, federal citizenship in the U.S. has, at least since the Civil War, had clear primacy over member-state citizenships. The postwar constitutional amendments adopted during the Reconstruction era determined for the first time that constitutionally protected rights were equally binding on state governments as well as on the federal government. In contrast to the EU and the Russian Federation, the fact that member states are not the loci of separate national self-understandings considerably bolsters the primacy and unitary character of U.S. federal citizenship.

This is not the case in the EU, where many Europeans regard their particular national citizenships as primary, a feeling that has discouraged their exercise of EU citizenship rights. Martiniello offers several additional explanations for the limited practice of EU citizenship rights. The first is a lack of publicly disseminated information regarding how these rights can be exercised. The second concerns delays in the effective implementation of these rights. The third is the relative insignificance of these rights to the overwhelming majority of European citizens who reside within their own national states. EU citizens, for ex-

ample, have the right to vote and stand for elections to the European Parliament, but this body is the weakest EU political institution, so voting may seem to involve more trouble than it is worth.

The creation of a common EU citizenship “from above,” Martiniello observes, has formalized three levels of basic membership, ranked according to different menus of civil, socioeconomic, and political rights that members possess. Citizens of EU states residing within their national state’s borders have the fullest menu of these rights. EU citizens living in member states other than their own are entitled to a more abbreviated menu of rights, such as the right to vote in local and European elections but not the right to vote in the national elections of their state of residence. Citizens of nonmember states have the fewest rights. Long-term residents may enjoy important civil and socioeconomic rights, but few political rights. They cannot obtain EU citizenship directly, but only through first obtaining citizenship in a member state, subject to that state’s particular naturalization requirements.

This “triangular” structure of EU membership, Martiniello argues, may further marginalize resident aliens, especially if the notion of a shared, singular European cultural identity is promoted at the expense of a respect for multicultural diversity. This respect should rest not simply on a commitment to fundamental human rights, but also on the recognition of the reality of Europe’s deeply multicultural past and present. As Martiniello points out, however, the issue of cultural diversity has never figured prominently on the agenda of EU leaders and is often obscured by the problem of accommodating the particularist national self-understandings of the member states.

Martiniello sees the best hope for forging greater unity within the EU through the construction of citizenship “from below,” involving coalitions of individuals with interests and institutional ties that cut across national borders. He contends that the low voter turnout for European national elections may be an indication of an active public resistance (rather than mere apathy) to the way that EU citizenship has been imposed from above and its failure to address the needs of average citizens. From this perspective, the continuing institutional weakness of the EU Parliament as an instrument of transnational, popular political representation appears to be a major missed opportunity to enhance a deeper public identification with the EU as a common home through shared participation in self-governance. The effects of this weakness on voter turnout also underscore the importance of situating any analysis of citizenship rights within the institutional contexts in which these rights are implemented and exercised. The right to vote does not mean much if the representative body for which one is voting has little effective power or voice. As Martiniello argues, individuals’ perceptions of citizenship rights are just as important as the formal

political and socioeconomic intentions of the governments granting those rights.

Perceptions of citizenship also figure strongly in Ayelet Shachar's examination of the citizenship policies of Israel, a state founded on a highly ethnic conception of nationhood. This conception, rooted in nineteenth-century Romantic nationalist ideology, recognizes Israel as the homeland of the Jewish people; but Israel must share this homeland with its Arab minorities. The Law of Return is the centerpiece of Israeli citizenship policy. It automatically grants every Jewish immigrant full and equal citizenship immediately upon arrival. As Shachar explains, this law rests on a diasporic conception of Jews around the globe as one national people, a membership bond that existed before the creation of the modern Israeli State. Israel has received a vast flow of immigrants since the enactment of this law. From the beginning, the open-ended nature of this invitation to Jews worldwide to resettle in Israel has sparked considerable and recurrent debate over the question of "who is a Jew" with entitlement to citizenship. Rival religious and secular understandings of Jewishness have driven much of this debate, but shifts in the predominant source countries of Jewish immigrants have also contributed to it.

Massive numbers of Russian Jews entered Israel from 1989 to 1993, for example. They enjoyed an automatic entitlement to citizenship, although their ties with Judaism and the State of Israel had hitherto been minimal. Their sheer number and cultural foreignness injected fresh energy into the debate among the Israeli public over who should be entitled to return.

This debate rests on the fact that the Law of Return invests a deeply ascriptive character into the heart of Israeli citizenship policy. Such ascriptive tendencies are especially apparent when contrasted with the government's long denial of citizenship to Arab refugees who had been residents of the area before the state was formed. Shachar uses the example of Russian Jewish immigrants to illustrate that ascriptive categories, such as "Jewishness," are always open to competing definitions that may fall across a broad spectrum. Giving Jewish immigrants a privileged entitlement of such magnitude can only reinforce the perception of Arabs as no better than second-class citizens.

Another essay addressing the importance of perceptions of citizenship is that by Jonathan Klaaren. He has produced an incisive analysis of South African citizenship policy and its reception by certain population groups. From its first citizenship law of 1949 to its Bantu Homelands Citizenship Act of 1970 to its Restoration Citizenship Act of 1986, South Africa's legislation illustrates dramatically how citizenship and nationality status can be manipulated to reinforce a caste hierarchy within a putative liberal-democratic republic. The 1949 law established the first "common" citizenship for South Africans applicable to both

the white minority and the black majority. As Klaaren explains, however, citizenship did not automatically confer the right to vote. That right was restricted on racial grounds. The Bantu Homelands Act of 1970 introduced a distinction between homelands citizenship, to which all blacks were assigned, and a common South African nationality. Initially, homeland citizenship and South African citizenship remained tied, but when the South African government began granting homeland independence, those homeland citizens lost both their South African citizenship and nationality. This tactic created gradients of membership rights that effectively barred the black majority from the exercise of popular sovereignty in the South African Republic. The Restoration Citizenship Act of 1986 made a partial step toward restoring citizenship to homeland blacks, but it applied only to those who held permanent residence in South Africa.

Against this background, Klaaren devotes the bulk of his analysis to the legislative history and policy implications of the South African Citizenship Act of 1995. The act restored a single, common citizenship regime for South Africans, but it did not repeal the separate citizenship laws of the independent homelands nor address effectively the reality of large numbers of migrants who have been entering the country as temporary workers. Despite the stated intent to eradicate the effects of apartheid legislation, the actual results of this act have been fairly modest. Where one might have expected that a common ideal of citizenship built around a shared allegiance to republican principles might provide a source of civic unity amid great cultural and social diversity, this ideal has yet to come to the fore in South Africa.

A strong political understanding of citizenship as a consensual bond of allegiance has also not yet emerged in Japan. Chikako Kashiwazaki's essay provides one of the most thorough surveys of Japanese citizenship policy and law available in English. As Kashiwazaki notes, Japan bases its citizenship acquisition law on a strictly applied principle of *jus sanguinis*, but she argues against simple explanations that attribute the use of this principle to an ethnically narrow national self-understanding. She contends that a *jus sanguinis* system can be as inclusive as a *jus soli* system, and would have little practical effect depending upon a number of variables including the strictness of naturalization rules. Like Barrington, Kashiwazaki also warns against invoking broad national character arguments that are too often grounded on popular stereotypes and exaggerate the relative "uniqueness" of particular countries within the global migration economy. To situate Japan's place within this economy, she has developed a richly comparative framework. One point of comparison rests on sources of economic growth. In contrast to many European states after the Second World War, Kashiwazaki points out, Japan did not import large numbers of foreign workers to sustain its economic growth. She reports that foreign

residents currently compose only 1.2 percent of the Japanese population, so Japan has not had to face the problem of immigrant incorporation on nearly the same scale as many EU states.

In explaining Japan's reliance on a strict *jus sanguinis* system, Kashiwazaki traces its introduction back to the codified nationality laws of 1899. She points out that the policy makers were influenced by European models of citizenship acquisition. Moreover, the *jus sanguinis* system, she observes, proved "compatible with previous legal practices, in particular the family registration system that had been used to define the subject population."

Like Barrington, Kashiwazaki emphasizes the important role that international bodies and treaty instruments can play in constructively influencing domestic policy. After Japan ratified the International Covenant on Civil and Political Rights in 1979 and the United Nations Covenant relating to the Status of Refugees in 1981, for example, the government amended important discriminatory provisions in its citizenship policy that had been directed against foreign residents.

The issue of plural nationality has recently become a source of controversy in the United States in response to Mexico's 1997 amendment of its nationality law. This controversy vividly illustrates again why citizenship, though recognized as a subject of domestic jurisdiction, can implicate larger international concerns. The amended law permits Mexicans who acquired their nationality at birth on Mexican territory to acquire additional nationalities without forsaking their original Mexican nationality. In his essay on Mexican nationality, Manuel Becerra Ramírez argues that this legal change occurred in reaction to perceived discrimination against Mexicans in the United States. Through this change, the Mexican government sought to encourage Mexicans residing in the United States to obtain the fullest range of political and civic rights through the acquisition of U.S. citizenship by removing the potential loss of Mexican nationality as a deterrent to naturalizing in the United States. By this change, the Mexican government hoped to minimize a difficult choice often faced by immigrants between severing a fundamental relationship with their homeland and taking full advantage of the opportunities and legal protections in a new host society.

The amended nationality law rests on a carefully drawn distinction between *nationality*, understood as a state membership affiliation, and *citizenship*, a status that confers specific political rights such as voting in Mexican elections. In the acquisition of Mexican nationality, Mexico applies a mixed system of *jus soli* and *jus sanguinis*. Persons born on Mexican territory acquire Mexican nationality and, as nationals, are automatically entitled to Mexican citizenship at the age of eighteen. The conferral of Mexican nationality to a child born in Mexico is not contingent on the nationality of the child's parents. At the same

time, the child of a Mexican national, who was born in Mexico, is also automatically entitled to Mexican nationality if the child is born outside of Mexican territory. This entitlement applies irrespective of the parents' existing location of residence.

Acquisition of Citizenship through Naturalization

Most of the authors of these essays also address the specific laws and ideologies governing the processes of naturalization. Naturalization is not only an important mode through which citizenship is acquired, but also one of the few in which volitional choice is involved in its acquisition both on the part of prospective new citizens and on the part of states conferring it. The motives of individuals seeking to naturalize may be highly instrumental or deeply patriotic, but whatever their reasons they are choosing to enter the most privileged form of shared belonging that liberal-democratic polities bestow. In determining criteria and procedures for naturalization, states, too, are making choices regarding the desired character of new citizens, their terms of allegiance, and the future shape of their populations. Because so much is at stake in such choices, naturalization policies are often subject to considerable controversy by affected groups and interests.

The rules governing naturalization vary widely among states, but all recognize these rules as important tools of inclusion and exclusion. The states with the most inclusive policies discussed in this volume are the three so-called classic lands of immigration: Australia, Canada, and the United States. All three have similar requirements. Prospective new citizens must be lawful permanent residents for several years prior to applying, possess good moral character (for example, have no major criminal convictions), demonstrate an adequate knowledge of their new country's history and civics, and have a basic command of the language. All three states also require an oath of loyalty. In the United States, new citizens taking the oath must swear exclusive loyalty to the United States and explicitly renounce all former loyalties to other sovereigns. Canada and Australia demand a much less exclusive expression of allegiance. Their pledges do not require a renunciation of other loyalties or a profession of sole loyalty to the country.

Israel has developed naturalization requirements substantively similar to those of the United States, Canada, and Australia for those ineligible for citizenship under the Law of Return. Israel also requires prospective citizens in naturalizing to renounce prior citizenships, but its loyalty oath specifies swearing neither primary nor exclusive allegiance to the State of Israel. On the simplest level, Arabs and Jews born in Israel enjoy the same right to acquire citizenship through *jus sanguinis*. All children whose parents are Israeli citi-

zens automatically acquire it. As Shachar shows, however, the actual picture is considerably more complicated than this straightforward rule would suggest. The hundreds of thousands of Arabs who fled the area during the 1948 war that followed the establishment of the Israeli State, but who did not return almost immediately after the war ended, lost their entitlement to automatic citizenship. Many of these individuals eventually did return during the 1950s to settle permanently, but they often found meeting citizenship eligibility requirements extremely difficult. Since most did not have citizenship elsewhere, they became stateless. The Israeli government did not squarely address their plight until 1980. At that time, the government conferred citizenship retroactively on these Arab residents and, in turn, granted automatic citizenship to their children.

Although Israel's formal naturalization requirements are not notably more restrictive than those of Australia, Canada, or the United States, its requirements stand in sharp contrast to the automatic and immediate conferral of citizenship granted to Jewish immigrants under the Law of Return. Israel, however, is hardly the only liberal-democratic state that has distinguished among classes of immigrants in its naturalization policies. T. Alexander Aleinikoff points out that the United States' original citizenship law specifically restricted naturalization to whites and that the last of such racial restrictions was not removed until 1952. During the 1920s and the 1930s, Australia also denied citizenship on racial grounds. After the Second World War, it still adhered to an ethnic _model of nationhood as a member of the larger British national family.

Discriminatory citizenship policies based on racial and ethnic categories are endemic in the histories of many Western democratic states, even in such classic lands of immigration as Australia. The essay by Gianni Zappalà and Stephen Castles is particularly instructive in this regard. The authors examine the post-Second World War Australian experience with immigration and naturalization, as Australia has moved from an exclusivist "White Australia" policy to an active promotion of multicultural diversity. Beginning after the war, Australia launched a major and successful effort to recruit immigrants. Millions came to settle. The government viewed the acquisition of citizenship as essential to their integration into Australian society, but naturalization rates remained low throughout the 1950s and 1960s. This low rate was often attributed to a lack of loyalty, but this perception missed the depth of the issues involved. As Zappalà and Castles observe, "there was little understanding that the complexity of the regulations, poor English language ability, and having to renounce one's country of birth made citizenship an unattractive option for many immigrants. . . ."

The government gradually introduced measures to reduce administrative complexity, lower fees, and simplify procedures, but this proved insufficient to

boost naturalization rates significantly. By the end of the 1960s, the government finally began to realize that discrimination against immigrants and the failure to take their needs into account was a major deterrent that discouraged migrants from seeking to become Australian citizens. To make newcomers feel welcome as Australians would require a new understanding of what it meant to be Australian, an understanding that could accommodate the immigrants' own distinct interests and heritages. Toward this end, the government eliminated from its citizenship law special privileges and exemptions for British immigrants that had, at least symbolically, reflected Australia's self-understanding as ethnically British. As the government began to address deeper structural problems in the 1970s, naturalization rates rose. By 1991, Zappalà and Castles report, "70 percent of eligible overseas-born residents were Australian citizens."

Despite such achievements, government support for multicultural citizenship programs has seriously eroded since the mid-1990s. The long-term consequences of this decline remain unclear. Such reversals in the direction of public policy are not uncommon among states trying to absorb larger numbers of newcomers. But the postwar history that Zappalà and Castles so deftly analyze suggests that any prolonged retreat will simply produce greater divisions.

In contrast to Australia, the United States does not actively promote immigrant integration as official policy. This lack of policy may be one important reason why 6 or 7 million residents, despite their eligibility, have not elected to naturalize. In his essay, Aleinikoff points to other reasons deterring naturalization. He discusses the relatively few differences in rights and benefits that distinguish citizenship status from permanent resident status, the broad provision of *jus soli* that does not require parents to be citizens in order for their children to acquire citizenship, the knowledge of history and language needed to satisfy naturalization requirements, and the exclusivity of the oath of allegiance given in the naturalization process.

Nonetheless, Aleinikoff observes, naturalization rates have risen dramatically in recent years. He attributes this rise to a mix of incentives that are primarily negative. The Immigration and Naturalization Service, for example, introduced a requirement that all permanent residents must obtain a new resident alien card but, at the same time, made it known that the financial costs of such a card would be only slightly less than the costs charged for naturalization. Perhaps the most powerful of these negative incentives, which appeared to punish alien residency while rewarding naturalization (however unintentionally), included anti-immigrant campaigns and debates in the 1990s suggesting that previously available access to significant rights and benefits might be taken away from aliens.

One possible lesson to draw from this story is that negative incentives, such as expanding the differences in the rights and benefits enjoyed by citizens and aliens, is an effective tool to promote naturalization. As Aleinikoff points out, plausible normative arguments can be made that citizens are entitled to a broader array of fundamental rights and benefits than are aliens. It is difficult, however, to see how these kinds of incentives deepen any form of affective loyalty that new citizens would feel to their host polity; instead, they may cheapen the symbolic value of citizenship as bond of consensual allegiance. Moreover, as Aleinikoff argues, lawful members of a society who are not citizens, but are no less active participants in and contributors to it, also have a strong claim to that society's benefits and protections. Aleinikoff contends that the key distinction to be drawn between the membership status of citizens and that of long-term lawfully resident aliens should turn on political rights, that is, the rights to hold elective office and to vote in national elections. From this perspective, the hallmark of liberal-democratic citizenship involves belonging to a sovereign community whose people collectively exercise self-governance.

In contrast to the United States' and Australia's naturalization policy, the Baltic states have had to adjust to the reality of immigrants admitted under Soviet-imposed regimes. As Barrington notes, Lithuania and (to a somewhat lesser extent) Estonia have adopted the most inclusive naturalization policies. The naturalization requirements in Lithuania's 1991 citizenship law stipulated that applicants must pass a written and oral language test, have resided permanently in Lithuania for ten years, demonstrate sufficient familiarity with the Lithuanian Constitution, relinquish prior citizenships, and make a nonexclusive loyalty declaration.

For its part, Estonia's 1992 citizenship law made applicants eligible for naturalization after two years of permanent residence (amended to five years in 1995), although the term of residence would be counted only after March 30, 1992. The law also required a test of language competence in Estonian. This language requirement has posed a considerable barrier to prospective applicants for naturalization, however, because the Estonian language is exceptionally difficult to learn and governmental provisions for language courses have been inadequate. As a result, naturalization rates have remained low.

Barrington contrasts these two sets of inclusive naturalization policies with the much more restrictive policies of Latvia. After achieving independence, the Latvian government refused to recognize or adopt a naturalization law until after the elections for the first Latvian Parliament in 1993. Latvia's citizenship acquisition policy effectively barred most non-ethnic Latvians (between 700,000 and 800,000 persons) from participating in the elections for this Parliament,

and, therefore, from participating in the subsequent drafting of citizenship legislation. The 1993 citizenship law that this Parliament enacted reflected its members' intent to avoid any rapid large-scale naturalizations and, perhaps, to encourage the exodus of non-Latvian minorities. For instance, it imposed restrictions on eligibility for naturalization according to age and place of birth, and it stipulated other naturalization requirements regarding terms of residence, language competence, and official registration that made naturalization difficult. The citizenship law proved effective as a tool of exclusion. "Of the 140,000 residents who were eligible to apply by 1998," Barrington reports, "only approximately 10,000 had applied, and only 7,477 had become citizens. . . ."

Although Estonia's citizenship policies have been more exclusive than Lithuania's, they might have been far more so but for the influence that international bodies were able to exercise on Estonian political leaders. Barrington emphasizes the critical role that such organizations as the Council of Europe played in pushing the Estonian government toward more inclusive citizenship policies. He shows that the effectiveness of these bodies in influencing governmental policies cannot rely on moral suasion alone. Instead, such influence must include concrete incentives ranging from offers of increased trade and direct financial assistance to stipulating conditions of membership in regional political organizations. His analysis demonstrates that despite the fact that citizenship has traditionally been considered an exclusive domain of domestic law, states may still be held accountable to international norms. As the Estonian example makes clear, the force of international accountability may be at best modest, but it can still provide an important check on the worst excesses of ethnic chauvinism.

The question of naturalization policy has also been a problem for Japan. Despite the fact that naturalization rates have been rising during the 1990s, Kashiwazaki observes that Japan's naturalization requirements have remained strict. These requirements include the provision of extensive supporting documents by applicants and an expectation of full assimilation. Yet, even long-term foreign residents who meet these requirements have no guaranteed right to acquire Japanese citizenship. The combination of a strict *jus sanguinis* system with a restrictive naturalization policy has had predictable consequences. First- and second-generation Korean residents, Kashiwazaki reports, have largely resisted acquiring Japanese citizenship out of a sense that this would betray their national as well as cultural identity as Koreans. Their children born in Japan have no automatic entitlement to citizenship, although they may attend Japanese schools, speak fluent Japanese, and have had no substantive contact with their Korean "homeland." This very lack of contact, however, may now be bol-

stering the younger generation's willingness to acquire Japanese citizenship through naturalization, because they are less likely to look upon it as forsaking their own distinct cultural heritage.

In the protection of the rights of permanent resident aliens, Kashiwazaki identifies a recent trend toward gradual expansion that is similar to the earlier experience of many EU countries. "Throughout the 1970s," she observes, "the residential status of long-term resident aliens remained insecure." Long-term resident aliens also suffered from discrimination in their access to social services, such as health care. In the 1980s and 1990s, however, the Japanese government has begun to address these problems in a serious fashion. This trend found in both Japan and in many EU member states would seem to confirm Aleinikoff's model of lawful permanent settlement as the emerging standard among liberal-democratic states in the treatment of alien rights.

Where Japan has sought to restrict immigration rigidly, Mexico has had to deal with the reality of continuing immigration across its southern border. Mexico's naturalization requirements are similar to those of other countries that receive large numbers of immigrants. The average foreign resident seeking to naturalize must have lived in Mexico for five years, speak the national language, and demonstrate knowledge of the country's history and culture. Like the United States, Mexico also insists that naturalization applicants renounce any additional nationality. In light of the recent amendment of its nationality law explicitly recognizing the legitimate status of plural nationality, this renunciation requirement may seem paradoxical, but it reflects the different perspectives many states apply to their nationals who have settled abroad and to those newcomers who have immigrated.

Conclusion

The final chapter, by Miriam Feldblum, takes a broader look at the comparative citizenship trends highlighted across the different country and regional reports. Based on the data and analyses of the previous chapters, Feldblum examines the different ways in which states are increasingly organizing the allocation and distribution of formal nationality access, dual nationality, naturalization as well as other membership rights, benefits, and obligations. As demonstrated by each of the authors, immigrants in the countries under review experience different "rations" of membership across policy domains, both in terms of their legal standing and substantive claims. In fact, the country and region reports point to differentiated distributions of citizenship both within and across polities. Feldblum argues that these patterns are significant because they underscore the continuing efforts by states to manage the allocation of member-

ship rights, benefits, and obligations to immigrants. The chapter is divided into the three sections. The first section discusses the qualified extension of access to formal citizenship and dual nationality, while the second section focuses on the extent to which states have differentiated immigrants' access to membership rights. Feldblum contrasts the qualifying of rights and benefits to foreigners (including access to social services and nationality) with—in the area of immigration control—the rise of claims-making and participation both for and by immigrants in these same policy domains. Finally, Feldblum concludes that increasing levels of governance—local, national, and beyond the national state—are now engaged in the allocation of citizenship.

These articles demonstrate how far citizenship studies have advanced since T. H. Marshall published his classic work *Citizenship and Social Class*.¹ Two of the major assumptions shaping his work have become untenable. First, Marshall treated the state as a bounded polity in which the issue of admitting new members and their eventual incorporation into their host society never arose. Second, he could write confidently of a common culture that all members of a polity would share without ever examining the terms of this common culture or addressing the challenges posed by the reality of cultural diversity.

In discussing both the incorporation of newcomers into their host societies and the issue of cultural diversity, terms such as *assimilation* and *integration* are often used without any clear specification of their concrete meaning or of the public policy purposes they are intended to serve. This lack of specificity is especially problematic for two reasons. First, no agreement exists over the definition of these terms. Second, and relatedly, the meaning of these terms will inevitably look different from the perspective of the host society than from that of newcomers. Moreover, significant normative questions are at issue regarding how such terms should be understood in the context of modern liberal-democratic principles. Both assimilation and integration can too easily imply a largely one-sided process in which newcomers adapt themselves to the structures of life and dominant culture of their host societies. It may be appropriate to reframe the issue, not as integration or assimilation, but as creating conditions that advance equal opportunity through which all members of a society can choose their own avenues of participation and thereby find common ground with other members. By this view, a central criterion for determining the allocation of rights, benefits, and burdens among members would be the degree to which they either impede or facilitate equal participation.

The articles published here demonstrate vividly why such issues have become central to citizenship policy and the difficulties that different states have

1. Republished in Marshall and Bottomore, 1992.

experienced in grappling with them. These authors offer deeply informed and insightful guides to the specific developments in citizenship policy, even as they bring out the larger questions that such policies are increasingly being forced to address.

References

Marshall, T. H., and Tom Bottomore 1992. *Citizenship and Social Class*. London: Pluto Press.

