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Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

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COMCAD Arbeitspapiere - Working Papers
General Editor: Thomas Faist
No. 115, 2013

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CENTER ON MIGRATION, CITIZENSHIP AND DEVELOPMENT

2013

Faist, Thomas: Shapeshifting Citizenship in Germany: Expansion, Erosion and Extension, Bielefeld: COMCAD, 2013

(General Editor: Thomas Faist; Working Papers – Center on Migration, Citizenship and Development;115)

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Table of Contents

1. On the Renaissance of Citizenship

Since the 1980s, the term citizenship has again come into common usage. It is a term employed in debates over the concept of social rights and social citizenship in the context of the transformation of welfare states. It is also used, in the wake of immigration, in public and academic debates over access to full membership for immigrants in countries of immigration (and emigration) by parentage, birthright or naturalization. The concept of citizenship travelled from the Anglo-Saxon debate into German-speaking countries where it encountered the older term “Staatsangehörigkeit” (nationality), which defines the legal dimension of state membership. Although the term citizenship is frequently translated as “nationality,” it makes more sense to broaden the latter term to citizenship, as concepts of membership beyond the state in the narrower sense have also gained significance, as in the case of citizenship of the European Union (EU).

The two examples of the welfare state and migration referenced above reflect the challenges facing relations between citizens and the state on the one hand, and relations among citizens on the other. With the transformation of welfare states questions arise such as whether the conditionalization of claims might impair the principle of equal social rights for all citizens. The initial challenge to state citizenship arising from international migration is the exclusion of non-members. Citizenship guarantees by law and by obligation the inclusion of full members (citizens) in varied functional relationships such as the labour market, education or politics. Such a duality of social closure by way of inclusion and exclusion could at best be eliminated by the existence of world citizenship. The presence of non-citizens, moreover, questions the necessary congruence between territory, the state constituency (electorate) and state authority. It also raises the interesting question of whether and to what extent an imagined cultural homogeneity of state citizens is an indispensible requirement for the allocation and guarantee of rights and obligations, reciprocity and solidarity.

In Germany as in other liberal democratic societies, three major developments have been observed over the past few decades. They indicate the gradual transformation or shapeshifting of citizenship. First, there is a tendency toward the expansion of nation-state citizenship, as expressed for instance in easier access to (state) citizenship for resident migrants. The second development is the public debate over erosion, for example the dismantling of social rights and a greater emphasis on the personal contributions of full members. The third development is the emergence of different forms of genuine citizenship beyond the nation-state, primarily transnational citizenship as in dual or multiple (state) citizenship, and supranational citizenship as in the EU. All these developments indicate that the borders of (state) citizenship as an instrument of social closure are gradually shifting,

creating new lines of differentiation among citizens and between citizens and non-citizens. New rules of citizenship redress inequalities but also produce new ones. In effect, it is no longer possible to distinguish clearly between "within" and "without," between "us" and "the others." In sum, citizenship in Germany has undergone a gradual but fundamental transformation which is inadequately described by a movement from "blood" to "soil". It is rather a transformation which points into at least three different directions.

2. Dimensions of Citizenship

Citizenship – that is the demand that all citizens have equal rights – is essentially a contested, normative concept (Walzer 1989). In the Aristotelian tradition of political thought, citizenship constitutes an expression of full membership in a politically constituted community and indicates that citizens are both the rulers and are ruled. It is important to distinguish between the legal and political dimensions of citizenship. In the legal sense it refers to affiliation to, or membership in, a state. The principle of "domaine reservé" obtains here inasmuch as states have the sovereign right to decide over full membership. An important criterion of international law is thereby the principle of a genuine link, meaning that a person must maintain sustained ties to the state or states in question. These principles are set down in the German Basic Law, specifically Article 16 and Article 116 para. 1. Even when Germany was divided, the Federal Republic of Germany recognized only one German nationality, the consequence being the inclusion of citizens of the German Democratic Republic over and above their own state citizenship (1967-1990). Legally, at least three means of acquiring German citizenship are distinguished: (1) Eligibility through parentage, i.e. children acquire the citizenship of their parents (jus sanguinis)—a principle that obtains in practically all states of the world. (2) In many states it is also possible to acquire citizenship if the individual is born within the state territory (jus soli)—an option that was introduced in Germany in 2000. This principle is of particular relevance to the children of migrants. (3) There is also the possibility of acquiring citizenship through naturalization. In this case, criteria such as length of legal residence, command of the pertinent language and economic pre-requisites apply (jus domicilii). The general conditions for acquiring German citizenship were laid down in the "Reich and Nationality Act of 1913 (RuStAG)," which underwent a comprehensive reform in 2000 and was renamed the "Nationality Act (StAG)".

(State) citizenship is an eminently political concept, founded on the idea that in a democracy citizens, and not subjects, are the constitutive agents. In the modern sense, citizenship only came into being with the emergence of republican thought after the French Revolution. Since then, the state has been understood not in territorial terms state or as the person-

al domain of an absolutist monarch, but as an association of citizens. As a political concept, state citizenship comprises three interconnected dimensions. First, democratic legitimation is created through equal political freedom. Second, citizenship comprises equal rights and obligations for all full members. These include, in T. H. Marshall's (1964) classic triad, civil rights under the rule of law, democratic political rights, and social rights in a welfare state; these have been extended—highly contentiously—to include cultural rights for persons and/or groups such as national minorities, indigenous groups, and immigrants (cf. Kymlicka 1995). Obligations comprise, for instance, tax liability and, in some countries, compulsory military service.

A third component of citizenship is affiliation. It concerns the buttressing of the political and legal dimensions through expressive and moral components articulated, for example, through feelings of belonging to a collectivity such as a nation, and which are consequently a major resource for trust-building among citizens. This trust is demonstrated through reciprocity (as in, for instance, inter-generational retirement pension contracts) and solidarity. This third dimension in particular highlights the fact that citizenship is not solely based on relations between states and citizens, but that relations among citizens are decisive for guaranteeing equal political liberties, rights and obligations. This brings us to the question how the collectivity relates to minorities. The concept of "constitutional patriotism" as formulated by Dolf Sternberger plays a role here (Habermas 1992). According to this concept, it is not the majority culture in a pluralistic society that is the main frame of reference, but rather the universalist principles of human rights and the rule of law, which also protect minorities. In this view, constitutional patriotism substitutes for nationalism as the focus of collective identity.

3. Three Strands of Development: Expansion, Erosion and Extension

Three main trends in the development of citizenship can be identified which have contributed to shapeshifting citizenship over the past century. These are: expansion—through the continual inclusion of new groups within (nation) states; erosion—through the decreasing political participation of members/citizens in the public sphere; and extension—through the partial separation of the triad of state authority, state population and state territory and the overall trans-nationalization of social processes.

Expansion: De-ethnicization and Diversity

The expansion of (state) citizenship can be explained from two viewpoints, namely progressive inclusion and a conflict approach. An example of progressive inclusion of previously excluded groups is the reform of the German Citizenship Law, which came into force in 2001. The new legislation, which implements a *jus soli* principle, includes the

children of foreign parents born in Germany in the eligibility framework for German citizenship if at least one parent has lived legally in Germany for at least six years. Up until the early nineteenth century, the birthright principle applied in German states. The first nationality laws, introduced, for example, in Prussia in 1842, adopted *jus sanguinis* (parentage,) as the governing principle for acquiring nationality. With the introduction of the Reich and Nationality Act (or RuStAG) of 1913, *jus sanguinus* was the sole principle of eligibility. With the reform of citizenship legislation in 2000 the birthright principle was extended to include second-generation immigrants.

An explanation for the relatively restrictive approach to naturalization in Germany compared to that of many neighbouring countries in western Europe is the tremendous influence that the notion of nationhood—and in particular the notion of republican or ethnic nationhood—had on German citizenship legislation until quite recently. In this perspective, "state-nations" like France exhibit a republican understanding of nationhood that gives rise to more inclusive citizenship regulations, while "cultural nations" like Germany, on account of their ethnic understanding of the nation, are much more restrictive (Brubaker 1992: 182). From a republican perspective, an individual's affiliation to a state is above all a question of subjective will and their readiness to belong to and identify with the state and the nation, while according to an ethno-cultural understanding state affiliation is objectively determined by membership by descent in an ethnic, cultural and linguistic community. Access to (state) citizenship in ethno-culturally defined nation-states is thus frequently determined by ethnic background and cultural propinquity and therefore constitutes an exception. In republican nation-states, however, access to citizenship is possible for all immigrants under similar, comparatively liberal conditions. The adoption of the RuStAG of 1913 in West Germany and the long period of restrictive conditions for naturalization, particularly with respect to working immigrants from the 1950s onward, is often explained in terms of continuity of the ethnic or ethno-cultural understanding of nationhood in West Germany (cf. Gosewinkel 2001).

A continuation of the ethnic notion of nationhood, however, cannot explain the introduction of the birthright principle of eligibility for citizenship in the German Citizenship Act—a far-reaching, liberal piece of legislation compared to other European countries—which has been in force since 2001. In the parliamentary debates leading up to this legislation, all the parties in the political spectrum supported a republican concept of nationhood. The proponents of liberalization argued that the integration of migrants required legal activation for them to make use of their citizenship rights, while the opponents of an extensive liberalization regarded the acquisition of citizenship as the successful conclusion of an integration process. All the viewpoints reflected, moreover, a deep-seated conviction about societal integration. While liberalization sceptics, such as the Christian Democrats, emphasized the

importance of the principle of subsidiarity (the norm that it is the smallest unit that should take care of protection, such as the family, and thus, by implication, immigrants should prove that they are "integrated"), advocates of liberalization, such as the Social Democrats and the Greens, underscored the importance of the rights of individuals as the basis for successful social integration (Faist 2007).

For the specific developments in post-war Germany and the fundamental reform of the StAG, political and in part legal factors were more important than the alleged continuity of an ethnic concept of nationhood. The political factors were several. For one thing, some aspects of the German concept of nationhood itself did not continue unbroken after World War II. A specific German understanding of nationalism, one aspect of the German "Sonderweg," as it has often been called, was certainly a major factor, having led as it did to the catastrophic turmoil of National Socialism and the Holocaust. On the other hand, West Germany's post-war orientation to the West and to Europe, its welfare-state integration, and West German society's endeavours, triggered by the student movement in the 1960s and '70s, to come to terms with the past, are factors of a magnitude that would at least raise questions about the continuation of an ethnic concept of nationhood (see, for example, Winkler 2000).

A further aspect is that even the privileged treatment of ethnic German immigrants in accordance with Article 116 of the Basic Law, often cited as key evidence of a continued ethnic concept of German nationhood, is not just ethnically oriented. As is well known, the objective was also for the successor state of Nazi Germany to assume responsibility vis-à-vis ethnic Germans persecuted and expelled on account of Nazi crimes. After World War II the ethnic definition was thus not only an end in itself, but also a means of identifying individuals who were eligible for compensation for the injustice they had suffered.

In terms of the legal framework, the Basic Law in particular and the prominent role of constitutional jurisdiction in the German political system help explain the controversial character of German citizenship legislation and the delay in extensively reforming it. The adoption of the RuStAG of 1913 in association with Article 116 of the Basic Law after World War II exemplifies this argument. The measure served to uphold the prospect of German reunification. In this respect it is no coincidence that political debate over a reform of citizenship legislation did not intensify until after German reunification. How German law dealt with persons who, during the Nazi regime, had lost German citizenship for political, racial or religious reasons—among them many Germans of Jewish descent—also does not fully support the thesis of ethnic nationhood after World War II. Based on Article 116, para 2, the law stipulated that persons denaturalized by the Nazi regime, as well as their children, could regain German citizenship by declaration, without the need to return to Germany. According to interpretations of this law, the legislators did not rescind denaturalization summarily so as not to force

German citizenship upon such persons (Mangoldt et al. 2010, Vol. 3, 1791-1852). Although this option was used by persons of Jewish descent denaturalized during the Nazi regime, reports by returning emigrants indicated the mistrust they experienced at the hands of the authorities and the public (Lehmann 1997). The option for renaturalization should also be considered in the context of reparations. With respect to the latter, the German government was more accommodating to persons of Jewish descent than to other groups who suffered persecution, such as Communists.

The first reform measures in the liberalization of eligibility for German citizenship in the 1990s were followed by an increased rate of naturalization. With respect to the countries of origin of individuals applying for and acquiring citizenship, Turkish citizens constitute the largest category (with over 25 per cent; 2009), followed by Serbia and Montenegro (6 per cent), Iraq (5 per cent), Poland and Afghanistan (each 4 per cent), Iran and Morocco (3 per cent), and the Russian Federation, Romania and the Ukraine (each around 2.5 per cent); naturalized citizens from other countries of origin make up over 40 per cent (Migration Report 2009: 230). The high percentage of "others" is also an indication of the steadily increasing diversification of immigrants' countries of origin. At the individual level, it is evident that as a rule a longer period of residence in Germany and an advanced knowledge of the language increases the likelihood of naturalization, reflected in rules which require a minimum period of residence and knowledge of the German language. It is noteworthy, moreover, that while the liberalization of eligibility criteria resulted in a higher naturalization rate, the category of the country of origin is at least as important. On average, naturalization figures are higher for immigrants from so-called developing countries and countries beset with political instability than for immigrants from other EU and OECD countries. One reason for this is that for immigrants from the former category there are practical advantages to having German citizenship, such as extensive freedom to travel, whereas no such advantages are gained by citizens from other EU member states.

However, the extension of citizenship also brought about new ways of exclusion. For example, Germany and Turkey are states that are linked to each other through transnational social spaces and which react to each other's membership policy changes. In the early 1990s, arson attacks in the German towns of Mölln and Solingen killed eight Turkish women and girls. In the belief that Turkish immigrants in Germany would be fully protected only if they had German citizenship, the Turkish government reacted by changing its previous policy of discouraging naturalization in Germany. At the same time, Turkey wanted to strengthen its links to its largest expatriate community. In 1995, it introduced a 'pink card' that facilitated renunciation of Turkish citizenship by guaranteeing former Turkish citizens most of the rights they had previously enjoyed, though it did not provide for the franchise in Turkey. Turkish

migrants apparently did not trust the value of this external quasi-citizenship, and a substantial number of migrants renounced their Turkish citizenship only temporarily in order to become naturalized in Germany, but then reacquired it through the Turkish consulates. The Turkish authorities colluded, thus exploiting a legal loophole that, before 2000, had not permitted the German authorities to deprive German citizens of their nationality while they resided in Germany.

In 1999, the new red–green coalition government in Germany, made up of the Social Democratic Party and the Greens, promised to introduce reform to promote dual citizenship, but failed to implement this crucial element of its proposal. The new citizenship law that came into force in 2000 required applicants for naturalization to renounce their existing nationality. Shortly before the regional and federal elections in 2005, the German authorities deprived about 20,000 immigrants of Turkish origin of their German citizenship because they had reacquired Turkish nationality, arguing that they had violated the rules governing citizenship in Germany. This episode illustrates how states whose citizenship regimes have become entangled in rather densely knotted transnational spaces may act independently to pursue their own political goals but still become exposed to the policy choices of the other. In the end, the German government, in the face of Turkish opposition, decided to uphold, in principle, the rather restrictive renunciation clause. This occurred not despite but perhaps because other citizenship rules were liberalized at the same time.

The second strand explaining the expansion of citizenship in the twentieth century is rooted in a conflict-oriented paradigm and focuses on the demands of marginalized groups who press for access, summed up in the slogan “rights must be taken”. This approach emphasizes conflicts between (antagonistic) groups, e.g. workers vs. capitalists, as the driving force behind the expansion of inclusion. Social citizenship (Marshall 1964) serves as an important example. Ssocial citizenship in the German Reich originated in the late nineteenth century, when Bismarck introduced social legislation in response to the organization of trade unions and social democracy. It was expanded during the Weimar Republic to include unemployment insurance, and again after the founding of the Federal Republic of Germany to include retirement pensions and, later on, long-term care insurance. Compared to the civic and political components, social citizenship is much more controversial and is based on the concept that equal citizenship status is provided as a countermeasure to market-generated inequalities, thus, following T. H. Marshall, securing the

legitimacy of capitalism in democracies.[1] It is precisely through the lens of social citizenship, for instance, that fault lines can be detected in the construct of "normal" employment (husband as full-time wage earner, wife relegated to household work and part-time work in labour markets), which guided German social policy for decades.

These distinctions are increasingly controversial, particularly with regard to citizenship rights—for example, the dichotomy of public and private has been debated from a feminist perspective. The aim of "citizenization" from this point of view is to dismantle barriers that promote or cement hierarchies. Such boundaries are seen as socio-political constructions that require amendment. Changes that were achieved in this respect relate, for example, to household management. In the German Civil Code from 1900 the husband was declared to be in charge of the household. Since the reform of the matrimonial law in 1977, marriage partners are expected to take care of their household management by mutual agreement. The criticism of drawing boundaries under asymmetrical power relations seeks to expose the assumptions that lie behind a universalistic understanding of citizenship in terms of heterogeneities such as class, gender, language, age and sexual orientation.

Multicultural citizenship explicitly takes into consideration the differences between individuals and guarantees minorities special rights in order to ensure their inclusion and, hence, the social cohesion of a state-constituted society. It is part of a human rights revolution observable all over the world since World War II. In Germany, the issue concerns above all partial rights to self-government, education and language for the "national minorities," which are regionally concentrated: the Danes (near the border of Denmark in Schleswig-Holstein), Sorbs (a Slavic minority in Saxony, close to the borders of Poland and the Czech Republic) and Frisians (at the North Sea coast and on contiguous islands), who make up around 0.25 per cent of the total population.

According to German law, national minorities are those groups of citizens who are traditionally resident in Germany and who live in their traditional settlement areas, but who set themselves apart from the majority population by virtue of their own language, culture and history, and who wish to preserve their identity. In Germany, members of such minorities are thus only those people with their own citizenship who have been resident in Germany for a long time, a status that newly arrived groups (e.g. migrants) or historically non-sedentary groups, such as Roma cannot achieve or maintain. Multicultural rights for immigrants, such

[1] For newer discussions on social citizenship beyond the national level, see the Social Protection Floor initiative by the International Labour Organisation (ILO) and the United Nations (UN); see http://www.socialsecurityextension.org/gimi/gess/ShowTheme.do?tid=1321

as exemption rights on the grounds of religious convictions, are very limited in Germany (cf. Kraus/Schönwälder 2006). Efforts are nevertheless being made by state and federal governments to take cultural difference, especially on religious grounds, into consideration with respect to Muslim religious communities. Still, one can at best speak of collective citizenship, as inclusion in public life is granted, where appropriate, through corporatist public bodies, following the model of Christian churches, and not primarily through individual rights.

International conventions constitute the starting point for inclusive citizenship. The implementation of the UN Convention on the Rights of Persons with Disabilities and hence, for example, the right of children with physical and learning disabilities to inclusion in mainstream education, is lagging behind (cf. Bielefeld 2009). Inclusion thereby denotes equal status without assuming "normality." Normality is in fact diversity—the existence of manifold heterogeneities. Inclusion refers to the societal institutions that create structures in which individuals with specific needs and abilities can participate. It has become apparent that "integration" is associated with an attitude that societal institutions should only create the background conditions to which individuals are expected to adapt themselves—an approach that is meanwhile controversial.

Erosion: Restructuring the Welfare State and the Disappearance of the Labourer

Two salient trends dominate the debate over the erosion of citizenship, namely the restructuring of the welfare state and the frequent assertion that public spirit is in decline. In welfare state policies, social rights are increasingly supplemented or replaced with contractual elements such as, for example, "activation" policies in the labour market. Activation means that people's human capital is supposed to be mobilized by public policies to enter into the formal labour market and find employment instead of allegedly drawing social assistance payments. Also, areas like education, which have for a long time been a central element of Anglo-Saxon welfare states, are gaining significance, and endeavours are being made to integrate work and family issues, as expressed in 'the four Cs': Children, Care, Careers, College education. Opinions are divided, however, on the extent to which the transformation to an activating welfare state amounts to a more forceful implementation of neo-liberal, i.e. market elements.[2] Activation policies turn classic concepts of social citizenship on their head (Lessenich 2008).

[2] One may argue that a case of gradual erosion is the German public pension system in the face of demographic changes, as the proportion of contributors to the system is getting smaller whereas the proportion of beneficiaries (retired persons) is growing. Over the past two decades a perceptible shift has been occurring in that the contributors are encouraged to invest individually into capital savings schemes. On the long run this implies a shift away from intergenerational reciprocity to individual liability.

The approach to social rights in Marshall's sense emphasizes that social citizenship, as a means of securing a living standard commensurate with economic, cultural and political developments, can only be effective if the appropriate institutionalizations are implemented and social rights, understood as "enabling rights," establish the basis upon which political freedom can at all be claimed.

As to migration across borders and social rights, a sea change has occurred for some of those who are usually labelled labour migrants (Faist 1997). There are two innovations, so to speak—contract workers[3] and the self-employed. These instruments have contributed to an erosion of social rights. First, in the early 1990s contract workers came as part of service agreements between German general contractors and foreign subcontractors. At first, these agreements were embedded in treaties between Germany and countries in Middle and Eastern Europe (MOE). It was akin to freedom of services within the European Union and the service agreements were meant as a pre-accession aid to MOE countries. In practice, the service provisions implied that subcontracting companies in the construction sector from MOE countries could bring their own labour to deliver the services in Germany. This labour was paid prevailing German wages but not the social wages. The latter were determined by the respective sending countries, making these companies competitive. The problem was not a substitution for "German" labour—reunification opened up many more opportunities for construction companies—but the extraterritorial status of labour from MOE countries in Germany. Legally, these workers were not regarded as labour migrants as such but were considered as an appendage to the companies carrying out the contractual agreements, resulting in a re-commodification of migrant labour.

The issue somewhat shifted when construction companies from Southern European Union member states entered the German market, bringing along labourers who were paid only wages and social wages according to sending country standards. This cost-cutting device was soon regulated by an EU directive so that labourers from other EU member states had to be paid wages prevailing in Germany. This led to yet another shift, however. More and more, labourers offer their services as self-employed workers and thus do not fall under the purview of labour law. Overall, while these changes cannot be labelled "social dumping", they are a clear case of re-commodification of labour in a particularly interesting form: workers are

[3] Contract workers, sometimes called posted workers, are sent abroad by their companies which are subcontracted by German general contractors. Such workers, for example, did come to Germany as personnel of Polish subcontractors to carry out construction projects in Germany.

legally not considered labourers to be regulated by social and labour law but either as an annex to service providers or service providers themselves.

Extension: Uncoupling of Rights and Collective Identities

The extension of citizenship explicitly raises the question of the transformation of states and membership and is a prime case of shapeshifting. The essential question is whether the three dimensions of citizenship—equal political liberties, rights and obligations, and collective identities—can be uncoupled from one another. There are three positions on this. The first—post-national—position is that citizenship can be conceived of and visualized beyond the nation-state. A simplified version of this extension would be that of an evolution of citizenship from cities like the Greek polis or medieval city states to national citizenship and, finally, cosmopolitan and world citizenship. A somewhat more complex approach is the claim that rights on the one hand and collective identity on the other hand are drifting apart. In the context of the EU as a whole, and in the light of weakly developed social rights at the EU level, it could be said that rights on the one hand and welfare state solidarity on the other are disconnected. Not only is there an inflationary use of terms such as post-national citizenship, but there is also hardly any empirical evidence of an EU social citizenship in terms of welfare citizenship, with the exception of areas such as the transfer of social rights for EU citizens working abroad, health and safety at work and gender equality policies. A third opinion, which does not necessarily rule out the other two, draws attention to the fact that nation-states are becoming transnationalized from within, i.e. citizenship continues to emanate primarily from the nation-state, but is being restructured through the emergence of supranational governance and its interaction with nation-state, regional and local levels (Faist 2001), as well as the implementation of human rights, but also the influence of neo-liberal policies and securitization of immigration over the past decade (Faist 2003).

There are two clear forms of citizenship beyond the nation-state: dual or multiple citizenship in two or more nation-states, and nested citizenship within the EU. Dual citizenship illustrates the internal transformation of nation-states. While sixty years ago, dual citizenship was tolerated by hardly any state in the world, today well over half of all states accept some form of dual citizenship. Dual citizens profit mainly in terms of practicalities such as freedom to travel or the ability to buy property in another state. Up until the mid-twentieth century, the legal maxim held that every individual should have one nationality, but only one. This requirement has become outdated, however. The main impetus behind this development turned out to be the enforcement of human rights beyond international conventions in the national legislation of democracies. This was crucial for the principle of gender equality. In Germany the rule requiring women marrying men of a different nationality to adopt automatically their husband's citizenship was abolished in the early 1970s.

A further motivation, in addition to human rights, was the requirement in democracies that the population and national constituency be essentially congruent—in the long term, incongruence would lead to the exclusion of certain categories of residents. While in contrast to the—by European standards—relatively liberal birthright principle, the regulations in Germany on dual citizenship are still restrictive, there is a growing number of exceptions. For instance, individuals from countries that strictly refuse to revoke their citizenship (e.g. Iran, Morocco, Afghanistan) and individuals from EU states are not required to renounce their former citizenship in order to become naturalized Germans. In recent years these rules have resulted in a growing number of individuals applying for German citizenship without renouncing their former citizenship; from 2000-2009, the figure was between 40 and 50 per cent of applicants (Migration Report 2009: 232).

Thus, while dual citizenship entails transnational elements in citizens' ties to more than one state, it still only applies to (individual) nation-states. Going further, citizenship beyond the nation-state can be interpreted on the basis of post-national models. The starting point for this perspective is that the citizen-foreigner duality has become obsolete. Human rights, it is argued, have in recent decades come closer to citizens' rights inasmuch as states not only implement them, but also foster new statuses, for example, that of the resident citizen (denizen). Resident citizens are non-naturalized migrants who theoretically have access to an almost complete range of social rights. In their case, there is a divergence of rights on the one hand and collective identity on the other (Soysal 1994), i.e. an uncoupling of the second and third dimensions of citizenship. In a post-national perspective Hannah Arendt's (1951) dictum that ultimately only state citizenship can guarantee the enforcement of human rights would need to be qualified. The post-national claim is that liberal democratic nation-states tend to adhere to human rights. With respect to the post-national position, it is disputed whether international human rights regimes have had an influence on nation-states, or whether resident citizenship is not primarily a consequence of welfare state principles. Non-citizens participate in (the German) social insurance scheme(s), for example, if they are legally employed. Globally, more than 12 million stateless persons also attest to the claim that the post-national thesis is to be treated with care when going beyond the narrow band of liberal democratic states.

Another example of citizenship beyond the nation-state that does not entail international migration is EU citizenship. In this case, all citizens of EU member countries are simultaneously EU citizens; moreover, the European Court of Justice has drawn up a set of equal rights for all resident citizens, which, however, varies broadly across countries in terms of political and social citizenship. Post-national concepts of citizenship raise the general question whether the double coding of citizenship—that is, trust, reciprocity and solidarity among

citizens as necessary to secure rights and obligations—is still effective when rights are developed at the supranational level, or whether the uncoupling of the three dimensions of citizenship is already well underway.

The multi-layered governance of EU citizenship, including European, national, regional and local elements, can be seen as nested citizenship (Faist 2001). The EU layer is thin, however, whereas the national component of citizenship is strongly developed. This state of affairs is exemplified in social citizenship: the EU provides for only selected rights, such as portability of benefits acquired by EU citizens across borders, health and safety rules in the workplace and some rules applying to gender equality. Moreover, it is important to note in this connection that the EU is pressing ahead with the concept of civic citizenship which is compatible with a sort of market citizenship. This is an endeavour to define a core of rights for citizens of third countries permanently residing in the EU, so that they are treated in a manner comparable to citizens of EU member states, including the right of settlement, family reunification, access to the employment market and to social security, the right to vote at European parliamentary elections and the right not to be expelled.

All issues concerning the extension of citizenship fundamentally involve the relationship between human rights and civil rights, which in turn raises the major problem of the relationship between global justice and human rights on the one hand and justice within nation-states on the other. There is no evidence of an alignment of human rights and civil rights, however. While human rights do seem to have had a greater influence on civil rights within the national framework, for instance regarding the growth of dual citizenship and emerging practices of multicultural citizenship, the validity of human rights is restricted within national borders and the borders of the EU. It is also questionable to what extent the category “human”, as opposed to “person” guarantees a legal capacity that makes effective protection possible (cf. Hegel 1979: 92-102).

4. Outlook: “We” and the “Others”

The above description of the expansion, erosion and extension of citizenship in Germany illustrates that conventional concepts of citizenship comprise a duality of inclusion and exclusion. Through social closure mechanisms, categorizations such as “we” and “the others” are produced and reproduced. In a transnational perspective, state citizenship thereby contributes to the reproduction of social inequalities borne by accident of birth or geography. Contrary developments along the changing boundaries of (full) membership are also observable, however. On the one hand, the boundaries of citizenship have become more permeable, for instance through new institutions such as EU citizenship. Using nationalism as a foundation

for collective identity is, moreover, a contentious issue in Germany. Sceptics generally question the future of national citizenship and point out that citizenship is being watered down. Because states are no longer reliant on their citizens as workers and soldiers to the same extent as they used to be, but increasingly depend rather on their economic power, they are less inclined to grant citizens full political and social citizenship (Fahrmeir 2007). On the other hand it is noticeable that states are tending to seal themselves off from within, for example, through national and supranational border controls, even before citizenship becomes accessible. The past decades are thus a prime example of shapeshifting citizenship.

Notwithstanding all this, it is doubtful whether a dichotomous perspective of “inside” and “outside” is able to capture the changes in citizenship. Through processes of transnationalization within national societies the “other” is always one of “us”, as the constant presence of non-citizens testifies. And what is more, the publicly debated plurality has enlarged to include further heterogeneities such as gender, class, religion, lifestyle, and livelihood activities. It is thus of prime importance to understand the ever shifting shapes of the boundaries of citizenship.

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